ADELAIDE INSTITUTE

PO Box 3300
Adelaide 5067
Australia
Mob: 61+401692057
Email: info@adelaideinstitute.org
Web: http://www.adelaideinstitute.org

Online
ISSN 1440-9828

April 2014 No 759

FURTHER SUBMISSION TO ATTORNEY-GENERAL

The Hon Senator George Brandis, CANBERRA
S18Cconsultation@ag.gov.au
On the proposed Amendment of RDA Section 18C – where
Matters of fact do not count – TRUTH is no defence
THE ACCUSED MUST PROVE THEIR INNOCENCE
*

The Categorical Imperative is thus:
If a law is unjust, then we have a moral duty to oppose it
– even if it means we go to prison for it!

By Dr Fredrick Töben, MACE
– toben@toben.biz

20 April 2014

Contents

Preamble
1. Introduction
2. 1994 Media voices against the proposed RDA Changes
3. Former PM Paul Keating justifies introducing "politically correct" enforcing legislation
4. Section 18C leads to Töben's bankruptcy – Lewis celebrates event
5. Though Töben is a major stake-holder in the matter, the Attorney-General refuses to meet with him
6. Global politics enters the discussion - ANTISEMITISM appears as a catch-cry
7. The Bob Carr Book Affair: *Diary of a Foreign Minister* ...connects the dots
8. A View from the USA-Canada – Stephen Walt/Kevin MacDonald/Arthur Topham
9. Conclusion
Afterword

Fredrick Töben speaks:
If truth is no defence, then we have an immoral situation where lies flourish.
*
If you take away my freedom to think and to speak, then you take away my humanity and you commit a crime against humanity. Truth is my defence.
*
Don't only blame the Jews, also blame those who bend to Jewish pressure.
***

PREAMBLE

Climate change proponents using 'mediaeval' tactics: George Brandis

Lisa Cox, National political reporter, April 18, 2014 - 9:37PM

Attorney-General Senator George Brandis has stood by his comments that Australians have the right to be bigoted. *Photo: Andrew Meares*

George Brandis has compared himself to Voltaire and derided proponents of climate change action as "believers" who do not listen to opposing views and have reduced debate to a mediaeval and ignorant level.

In an interview with online magazine Spiked, the Attorney-General also declares he has no regret for saying Australians have the right to be bigots and accuses the left of advocating censorship to enforce a morality code on the nation.

It comes as former Australian of the year Professor Fiona Stanley said climate science had been denigrated through politicisation and denial, and issued a stinging attack on the federal government for the absence of a specific department to tackle global warming.

Senator Brandis, who is driving reforms to Australia's racial discrimination act, describes the climate change debate as one of the "catalysing moments" in his views on freedom of speech.

While he says he believes in man-made climate change, the Queensland senator tells the magazine he is shocked by the "authoritarianism" with which some proponents of climate change exclude alternative viewpoints, singling out Labor's Penny Wong as "Australia's high priestess of political correctness".

He said it was "deplorable" that "one side [has] the orthodoxy on its side and delegitimises the views of those who disagree, rather than engaging with them intellectually and showing them why they are wrong".

As examples, he points to Senator Wong and former Prime Minister Julia Gillard, who he accuses of arguing "the science is settled" to shut down political debate on climate change.

"In other words, 'I am not even going to engage in a debate with you.' It was ignorant, it was mediaeval, the approach of these true believers in climate change," he said.

Senator Brandis also defended comments he made in the Senate, where he argued for the right of Australians to be bigots as justification for changes to section 18C and 18D of the racial discrimination act.

"I don't regret saying that because in this debate, sooner or later – and better sooner than later – somebody had to make the Voltaire point; somebody had to make the point [about] defending the right to free speech of people with whom you profoundly disagree."

Senator Brandis said there had been a shift in Australian politics, claiming it was now the "Tory point of view", rather than the left, that fell on the side of liberation and free speech.

"Now, the left has adopted a reasonably comprehensive secular morality of its own, which it now seeks to impose upon society," he said.

"And it's prepared to impose that secular morality on society at the cost of the freedom of speech which it once espoused."

Senator Brandis declined to comment when asked about the interview.

http://www.smh.com.au/federalpolitics/politicalnews/climatechangeproponentsusingmediaevaltactics-george-brandis-20140418-zqwfc.html#ixzz2zGGeBn8B

*

Fredrick Töben asks:

Will Senator Brandis bend to Jewish pressure and designate Holocaust Revisionism to be a "racial" matter deserving legal protection?

If he does, then wherever this protection is located in legislation, Töben will help to test such a law in the High Court of Australia. Perhaps Andrew Bolt and *The Australian* will then come on board as well.

1. Introduction – Fredrick Töben

After closing my first Submission on 14 April 2014 a number of relevant items were brought to my attention, whose content further sheds light on the deception that lies behind the RDA Amendments of the 1990s, in particular as expressed in Section 18C. A selective law against incitement to violence/hatred cannot be JUST and thus it is hoped that the proposed Amendments attempt will achieve a general, all-inclusive sanctioning of incitement to violence against individuals and against society generally, as set out in the US First Amendment. In the USA it is called "committing an act of moral turpitude", which however safeguards the First Amendment.

Specifically, though, the aim of Section 18C was legally to protect the Holocaust narrative, and as Peter Wakefield-Sault put it so succinctly: ***Unfortunately for true justice, if *ALL* incitement to violence or hatred were treated equally then it would become arguable that peddling unfounded tales of the "Holocaust" is just such incitement. It incites Jews to hate non-Jews, and those of us who have seen behind the curtain know that that is its actual intended purpose.***

The horrifying fact is that this was an intentional political deception perpetrated by, among others, those individuals who were to benefit from it. The question thus is: CUI BONO? The answer is that it is the quest for supremacism over the Australian society by the Australian Jewish community as represented by Zionists Messrs Mark Dreyfus, Nicola Roxon, Danby, Robert Goot, Peter Wertheim, Steven Rothman, Mark Leibler, Jeremy Jones, Steven Lewis, et al.

In **2.** the *News Weekly* editorial spells out that it is a legal thought control mechanism initiated by Australia's Jewish community, while in **3**. Keating's political aim is clarified thus confirming Kirsty Gowan's claim of 1996 when I began the journey through HREOC: ***This is all political***.

And at **4**. as in **2.** is revealed that behind the political pressure stood Australia's Jewish lobby. In later dealings it was Steven Lewis, one-time political aspirant who prided himself during his political election address on 20 July 2010 in predicting, **'... we're about to bankrupt Toben'**. I manage to defeat that claim by selling my house. In the article Lewis states: ***He was not incarcerated for his views, no matter how abhorrent they are. There are no criminal penalties under the Racial Discrimination Act. He was jailed because he refused to recognise the authority of the court.***

My response to that is: ***If a law is immoral/unjust, then we have a moral duty to oppose it – even if it means we have to endure prison-time!***

At **5**. is raised the Cui Bono question again, and as I am one of the major stakeholders in this whole matter of reviewing Section 18C – it led to my bankruptcy – I wished personally to speak with the new Attorney-General about it, but his office has been instrumental in blocking my attempts to meet with him. Why? This points to basic global politics coming into the argument. In 2009 the A-G office blocked the request made by the Director of Adelaide Institute, Mr Peter Hartung, when he wished to meet with then Attorney-General, Robert McClelland.

At **6**. **The World Jewish Congress** requests that Australia not eliminate Section 18C.

The real media breakthrough concerning the fact that Section 18C was designed by the Jewish lobby to criminalise Holocaust Revisionism came with the publication of former Foreign Minister Bob Carr's book: *The Diary of a Foreign Minster*. Australia's Jewish lobby went in overdrive to deflect the criticism Bob Carr levelled at them. The connection with Adelaide Institute and with me personally was then inevitable. The various articles at **7**. reveal that any kind of criticism levelled at Jewish interests is rapidly shot down, as both Andrew Bolt and Bob Carr have now experienced.

A recent video clip briefly traces the troubles experienced by Revisionists Germar Rudolf and Ernst Zündel in their quest for truth in history, a difficult task, at: http://www.youtube.com/watch?v=IwentslVpXw

It must be noted, though, that the Fairfax's *Sydney Morning Herald*, had anticipated this public connection some two weeks before with an article by Gay Alcorn: *Locked in a war of words to define free speech*. The matter continued to be aired generally until 8 April, but then the Bob Carr issue exploded and a media frenzy began as the Jewish Lobby feverishly attempted to denigrate Bob Carr's remarks about Jewish influence flowing unhindered into the Prime Minister's office. This is a first for Australia – what some expected was the case without proof now had Bob Carr as a witness! Mark Leibler's comment that ***Bob Carr's 'Israel lobby' claims inaccurate, bizarre***, is typical of a Zionist, and to be expected of a person who defends the indefensible, namely the two-state solution to the Middle East. See Stephen Walt's comment at **8.**

Finally, at **9.**, if there is concern that what Australian society faces is something unique to Australia, then Professor Kevin MacDonald's reflections in *Diversity Is Strength! It's Also…Racially Polarizing Politics, Despite MSM Efforts To Lull Whites*, soon dispels this notion. His books on the so-called Jewish problem are groundbreaking in their handling of this rather contentious topic.

While considering what kind of impulses are coming from the USA as far as truth-content is concerned, I shall add here a reference to the 9/11 false flag operation that 13 years later still remains locked up in an official conspiracy theory, i.e. that a group of Arabic-speaking "terrorists" caused three buildings to be destroyed. Here is Michael Santomauro on 16 April 2014 commenting on the YouTube' clip at: http://www.youtube.com/watch?v=VTANZaYPCkw - *9/11: The Devil's in the Detail*:

Actually, it is safe to say that virtually every mainstream publication or other type of media organ is "nothing more than a screen to present chosen views." The great battle over the last century has been a battle for the mind of the Western peoples, i.e., non-Jewish Euros.

The chosen won it by acquiring control over essentially the complete mainstream news, information, education and entertainment media of every type, and using that control to infuse and disseminate their message, agenda and worldview, their way of thinking, or rather the way they want us to think.
Since at least the 1960s this campaign has been effectively complete. Since then they have shaped and controlled the minds of all but a seeming few of us in varying degree with almost no opposition or competition from any alternative worldview.
So now most of us are mentally trapped in the box the chosen have made for us, which we have lived in all our lives. Only a few have managed to avoid it or escape it, or to even sometimes see outside of it, and so actually "think outside of the (Jewish) box.

****

2. Twenty years ago media voices spoke out against the proposed RDA Changes

Racial vilification bill: the real agenda – *NEWS WEEKLY*, July 2, 1994 – P. 3

EDITORIAL

The Keating Government's planned Racial Vilification Bill is one of the worst pieces of legislation ever put up in this country. Not only is it unnecessary for achieving its stated purpose - which is in the words of the Prime Minister, to "safeguard our record of tolerance" - it is also a direct threat to the rights of Australians to freely hold and express their own political opinions.

The bill has been widely condemned in the press. That is not necessarily a valid reason for opposing it - journalists are frequently as prejudiced in their own ways as any other interest group - but the arguments raised in relation to this particular piece of legislation are overwhelming.

The concept of incitement to racial violence or hatred - which the court wants to outlaw - is an extremely difficult one to enshrine in law. Unlike clear-cut anti-social acts like destruction or defacement of property, or creating a public nuisance in the streets (all of which are already illegal, and rightly so), the concept of incitement relies "as much on intention and attitudes as on spoken words". In other words, what is to be outlawed under this legislation is certain kinds of ideas. It is a thought control bill.

INTIMIDATION AND CONTROL

This is the real agenda of those who are promoting racial vilification legislation - to use the law to intimidate, and thus to control the expression of opinions with which they disagree. No credibility can be placed in the claim by supporters of this bill - because no evidence has been advanced for it - that there has been any recognisable increase in racial vilification of ethnic groups which might justify a new law. The Minister for Immigration and Ethnic Affairs, Senator Bolkus has made an unsupported assertion that the offences to be outlawed by the bill "are of such magnitude that the criminal sanction is the most appropriate one". But remarkably he did not say what these offences were.

It is true that at the time of the Gulf War there was a brief spate of attacks on some Islamic communities in Australia. Nevertheless it is notable that it is not the Arab or Islamic communities which are the strongest proponents of the racial vilification bill. Where Australian Arab community representatives have publicly addressed the issue of Mr. Keating's bill, they have generally emphasised the importance of education , not criminal sanction, in overcoming racial prejudice. Mr A. Elkotrib, chairman of the Australian-Arabic Brotherhood Charitable association, went further: " We are concerned that the proposed legislation will limit the democratic right of freedom of speech that is accepted as the foundation of Australia's multicultural society."

According to former Labor Cabinet Minister Peter Walsh, impetus for the racial vilification bill comes from a "cell of social engineers in the Attorney-General's Department who, with a few other fringe groups, have been pushing for such legislation". He also says the bill is aimed at limiting what it is permissible to think, rather than what it is permissible to do. Criticising the Prime Minister for his support of the bill, he wrote:

"Both violence and incitement to violence, racial or otherwise, is already a crime - a fact acknowledged in Keating's May 28 speech by reference to long-term jail sentences handed down in Perth. He went on, however, seemingly to deplore the fact that these people were prosecuted only for what they did, not for what they believed."

A further important argument advanced by Peter Walsh was that whatever little racial conflict or violence does exist in contemporary Australia, most of it is "between ethnic groups, rather than immigrant groups and the mainstream population, against which the social engineers are aiming this legislation." The conflict over Macedonia is a prime example of this point.

What's more, responsibility for some of this conflict can fairly be sheeted home to the very Government which is promoting racial vilification legislation. This was pointed out by Monash University political science lecturer Max Teichmann, in a further attack on the bill:

"The only real threat of racial violence here was created by the Federal Government when it played off the Greeks and the Macedonians and then welshed on them", he said. "The Immigration Minister, Senator Nick Bolkus, was a key factor in that fiasco."

"The main occasion for racist utterances here was when 50,000 Greeks charged down Bourke Street looking for Bolkus, with important sanctions in mind, only pausing occasionally to slag the Macedonians. Luckily, they ran into our Jeff [Victorian Premier, Mr. Kennett], who promised them sunshine right through Winter and a mini-GP in every back yard. otherwise the souvlaki could have hit the fan."

Max Teichmann said it was " either obtuse or insulting" to Australians to suggest that events that took place in Germany after 1930, and in parts of Europe since, could happen here. "To use the new lingo of Mark Liebler, it is on the edge of a racial slur"

It is significant that Mr. Teichmann chose to mention Mr. Liebler in this context because it is Mr. Liebler and other prominent representatives of the Australian Jewish community who have been among the most important backers of the racial vilification bill. Nor is it co-incidental that when Mr. Keating chose recently to re-ignite debate on the bill, he did so at a conference of the Zionist Federation of Australia. Remarkably, the Liberals' Deputy Leader Peter Costello who was also in attendance at the conference refrained from distancing his party from Mr. Keating's bill. Thus it appears to have bipartisan support.

Those who have cause to publicly disagree with these Jewish representatives - as this newspaper did in criticising certain aspects of the push for war crimes legislation a few years ago - have in the past found themselves unjustly castigated as "anti-Semitic". If those who are willing to toss around such labels without just cause are to be allowed to enshrine their own political agendas in Australian law, we are all in trouble.

At:www.adelaideinstitute.org/HomePage28April2009/jewish_racial_vilification_09.htm

****

Lying by legislation

Padraic P McGuinness

***The Australian*, 12 November 1994**

The art of political lying has received considerable public attention recently. But one form of it has been raised to a high point by the Federal Government virtually without notice. This is the legislative lie, whereby a piece of legislation is introduced into Parliament and pushed through as if it were of great urgency, while all the time the Government keeps on reassuring us that all the critics of the legislation are exaggerating or being paranoid and alarmist. If there should prove to be problems, why then, amendments will be introduced to deal with them.

Much the same argument has operated when new international conventions and treaties have come into force - there is nothing really to worry about. We are just doing what any good international citizen would do. The fact that very few other "good international citizens" in fact give international obligations the domestic force that we do, or use them to change the distribution of power laid down in a federal constitution, is airily dismissed. Indeed, most of the "good international citizens" who have happily signed international conventions have done so with not the slightest intention of implementing them domestically.

The racial hatred bill is the latest example of this. It was never given to the Opposition to read, and yet it is being told that there is really no threat to free speech in it. Why not then have discussed it with the Coalition in draft? Those critics of such legislation who cannot be categorised as being part of the Opposition are told that they are making far too much fuss, that the bill will really not prevent anyone from the free expression of ideas, especially if they are sincerely held. Whoever thought that racists were insincere?

The Government really has no justification for legislating in this way, by promise and reassurance. Careful legislative drafting and thorough parliamentary and public examination of any proposed law are needed before anyone can say with any reasonable assuredness what its effects might or might not be.

Even then nobody can predict exactly how the courts will construe the legislation when it is in force, and what parts of it they might find to be valid or invalid on constitutional grounds. It may indeed emerge that an act of Parliament could turn out to have quite draconian implications whatever the bland reassurances given by the Government. And without proper examination of the law in draft, it is difficult to know exactly what the Government really does intend as well as what the actual effect of the law will be.

There is a certain cavalier evasiveness which has become the stock in trade of the Attorney-General, Michael Lavarch, and his colleagues responsible for various laws. Lavarch does not have the legal knowledge, training or experience to know what most of the laws his department produces for him in fact mean. So we do not know, and no private-sector lawyer is allowed to know in good time, what the effect of any law is likely to be. It often takes months or years to work this out.

When the Government is caught out in its various grubby attempts to interfere with civil liberties it pretends that it is quite happy about it.

Thus the Political Broadcasting Act was intended to muzzle those critics of the Government who felt that their views were not adequately reported by the media, and who therefore would buy advertising space or time to present their views as they wished. This was a cynical device intended to save the Labor Party money by preventing the presentation of the views of its non-party critics. it would also have greatly magnified the powers of the media, especially TV, where Labor is notorious for bestowing favours on those who favour it. Fortunately, for free speech, the High Court decided that this was just not compatible with democracy.

What happened? The minister responsible immediately said that this was a wonderful thing, and pointed the way to a Bill of Rights, guaranteeing free speech and political liberties.

What happened to the Bill of Rights? A Human Rights (Sexual Conduct) Bill was introduced to prevent interference in the bedroom antics of Tasmanians. What did the rest of the community gain by way of extension and protection of their rights? Nothing at all.

The mealy-mouthed Lavarch began by saying that prosecutions were unlikely under his new racial hatred legislation. If so, why introduce it?

Yet he also conceded that somebody of American origin might have a case for compensation if he was called a "septic tank" in public. But he also claimed that the law would have a mainly educative function, even while proposing that the accused might be faced with hearings by the Human Rights and Equal

Opportunity Commission. He argued that the fact that there has been no prosecutions under the NSW act meant that there was no evidence that free speech had been stifled.
Well, there have been few prosecutions under the Tasmanian law, which is supposed to have such a terrible impact on homosexuals in that State - none at all in recent years. In fact even full and graphic confessions by homosexuals have failed to evoke prosecution. By his own logic, therefore, the Attorney-General would have to admit that there was nothing to worry about in the Tasmanian law. It is just there to educate people.
Of course the urgency of action against the Tasmanian law did not spring from the dishonest determination of the UN Human Rights Committee, but from the hope of gaining the support of the gay and lesbian lobbies and fomenting dissention in the Coalition, particularly in the Liberal Party, where there is an active gay lobby. However, there is indeed a danger that a less civilised Tasmanian government of the future, or a government stirred into action by populist extremists, might misuse the law if it is on the statute book.
It is equally possible, indeed likely, that once a racial hatred law is on the Federal statute book it will be misused at the behest of some lobby group which has successfully stacked a few branches of the Labor Party and wants to silence views which it finds offensive, even if they are expressed moderately and in the course of ordinary debate.
The only guarantee which can be believed in the good faith concerning civil liberties of a party which has tried to censor political free speech, which has tried to introduce a national identity card, and which recently commissioned a report (of the committee on the centenary of Federation chaired by Joan Kirner) which blithely proposed the establishment of a complete photographic record of the whole population.
What wouldn't a future authoritarian government give for a database like that!
At:http://www.adelaideinstitute.org/HomePage28April2009/lying_by_legislation_09.htm

---

3. Former PM Paul Keating justifies Enforcing "politically correct" legislation

Paul Keating defends his race hate legislation
PATRICIA KARVELAS, THE AUSTRALIAN
APRIL 16, 2014 12:00AM

PAUL Keating, the architect of the Racial Discrimination Act, has accused the Abbott government of following in John Howard's footsteps by planning to legislate the "right to confront people in respect of their race or creed".

In his first comments on the Coalition's proposed changes to the act, the former prime minister told *The Australian* the public was not on the government's side and rejected the idea of concessions to "primitive discrimination".
Section 18C of the act makes it unlawful to offend, insult, humiliate or intimidate on the grounds of race, colour or ethnicity. Under the draft proposals put forward by the Abbott government, the government would replace 18C with provisions making it unlawful to vilify or intimidate others on similar grounds, but with broad exemptions, including the right to offend.
Mr Keating said one of the charges that then opposition leader Mr Howard and his supporters laid against him was that he "propagated political - correctness''.
"Those claims intensified during the Howard prime ministership and from his cacophony of media supporters,'' he said. "I said at the time that John Howard and his opposition were in favour of 'political incorrectness', the right to confront people in respect of their race or creed. And nothing has changed.
"We are a nation of immigrants in the East Asian hemisphere, yet the government sees profit in the country regressing to a standard of discourse more in keeping with the mores which obtained a century ago. Is it any wonder the public rejects the idea of concessions to primitive discrimination? And so they should."
Mr Keating's comments came as Howard government immigration minister Phillip Ruddock told *The Australian* the only way to fight racism was to run anti-racism campaigns such as Harmony Day.
"I think legal issues and the approach of telling people to behave in particular ways can in fact entrench attitudes, which I would find unfortunate," Mr Ruddock said. "I think there needs to be a very committed approach to advocacy in relation to racism and culture and diversity. When I was immigration minister I put in place the Harmony Day program for exactly that reason and my advocacy is in favour of celebrating the richness of our cultural diversity. Laws can entrench attitudes rather than address them and I think there needs to be a proactive approach to advocating the richness of our culture diversity."
Executive Council of Australian Jewry president Robert Goot said yesterday the offences that remained in the legislation, under the Coalition's plans, were too narrowly drawn.
"It appears to suggest that the government's exposure draft has gone too far,'' Mr Goot said.
"There are a variety of ways in which there can be a compromise that I would have thought suit all parties or not all parties but the majority of parties — some sensible restrictions whilst not unduly impeding the right of free speech. I understand the government's attitude and I think within their agenda it is possible to get a bill that satisfies the majority of the people."
He said the council's submission would speak to what was wrong with the exposure draft and how the "legitimate concerns of significant numbers of Australians might be better addressed within that bill".
http://www.theaustralian.com.au/nationalaffairs/paulkeatingdefendshisracehatelegislation/storyfn59niix1226885794403?utm_source=The%20Australian&utm_medium=email&utm_campaign=editorial&net_sub_uid=33105777

4. Section 18C leads to Töben's bankruptcy – Lewis remains silent on that issue

Proposed changes would dramatically weaken the Racial Discrimination Act
STEVEN LEWIS, THE AUSTRALIAN, MARCH 28, 2014 12:00AM

THE proposed changes to the Racial Discrimination Act announced by the Attorney-General George Brandis have far-reaching implications and will significantly weaken the existing protections against racial vilification.

For nearly 20 years, the anti-vilification provisions of the Racial Discrimination Act have provided a legislative shield against hate speech in our community.

The proposed amendments would mean that the targets of racial vilification will in future have very limited legal recourse.

The existing act, as interpreted by the courts in cases since 1995, has properly distinguished between free speech and racial vilification. A well-known example is the judgment against the notorious Holocaust denier Fredrick Toben.

The Federal Court found that material on his website suggested that Jewish people who believe that the Holocaust occurred are of limited intelligence and have exaggerated the number of Jews killed during World War II to profit from what he called the "Holocaust myth''.

The landmark case in 2002 against Toben in the Federal Court was run by Stephen Rothman SC, now a judge of the Supreme Court of NSW, and Peter Wertheim, the current executive director of the Executive Council of Australian Jewry.

Toben refused to comply with court orders to remove voluminous material vilifying members of the Jewish community.

In 2007, I took over from Wertheim and commenced the contempt-of-court case against Toben. This culminated in a finding by judge Bruce Lander in 2009 following a three-day hearing that Toben's conduct was "wilful and contumacious".

Toben also withdrew an undertaking given to the court in 2007 that he would comply with the orders. The judge found that Toben's conduct "was one of publicly expressed deliberate and calculated disobedience to orders" of the court. Toben was sentenced to three months' imprisonment.

His appeal to a full bench of the Federal Court was unanimously dismissed and, late one August day in 2009, Toben was taken from the court to prison.

He was not incarcerated for his views, no matter how abhorrent they are. There are no criminal penalties under the Racial Discrimination Act. He was jailed because he refused to recognise the authority of the court.

Currently, section 18C of the act makes it unlawful for a person to do an act otherwise than in private that is reasonably likely to offend, insult, humiliate or intimidate another person or group of people because of their race, colour or national or ethnic origin.

The prohibition in section 18C is balanced by the free-speech exemptions in section 18D — one of the few codified guarantees of free speech in Australia.

These exemptions protect virtually anything said or done reasonably and in good faith and cover any genuine academic, scientific or artistic discourse, or any other purpose in the public interest. Published material is protected, if it is a fair and accurate report or comment of an event, or is an expression of a genuine belief held by the person making the comment.

Mere egregious slights or insults have been found by the courts not to fall foul of section 18C.

The strangely named Freedom of Speech (Repeal of S. 18C) Bill 2014 would repeal sections 18B, C, D and E and replace them with significantly weakened legal protections against racial vilification.

The government proposes to keep "intimidate" but remove the words "offend, insult and humiliate" and to replace them with "vilify". Both terms are defined for the purposes of the act. The new definition of vilify bears no relationship to the ordinary dictionary definition of the word.

The Macquarie Dictionary defines "vilify" as "speak evil of, defame or traduce". Under the proposed amendment, vilify will mean "to incite hatred against a person or group".

This definition fails to address the effect of racial vilification on targeted individuals and groups and would require a complainant to prove instead that the wider community has been incited to hatred.

The definition reflects a confusion of the concepts of vilification and incitement. This is a much narrower provision than found in state racial vilification laws. With the exception of Western Australia and the Northern Territory, all states and the ACT prohibit inciting hatred towards, serious contempt for, or severe ridicule of a person or group.

Further, "intimidate", unlike its dictionary definition, will now be narrowly defined to mean causing fear of physical harm to a person or property and would exclude cases where racial targeting, short of a threat of physical harm, is used to undermine a person's relationship with fellow workers, neighbours, teammates and friends.

The notorious examples of racial abuse that have occurred at sporting events, such as the abuse directed at Adam Goodes, Ali Abass, Timana Tahu, Greg Inglis and Ben Barba fell short of incitement of others (and in some cases were not heard by anybody else) and the threat of physical harm. This kind of crude racist abuse would not be caught by the proposed new legislation.

The proposed amendments would mean that Toben would be free to publish his vile material with impunity. It would be impossible to establish that the abuser's words amounted to incitement of others or that they caused fear of physical harm.

The hate-speakers' trump card will be the free-speech exemptions to replace section 18D.

Statements which vilify or intimidate a person or group on the basis of race will be entirely permissible if they are made in the course of participating in the public discussion of any political, social, cultural,

religious, artistic, academic or scientific matter. The exemption would apply even if there is no relationship between the vilifying or intimidatory statements and the matter being discussed. The statements would be permissible even if made unreasonably or in bad faith. It is hard see what would not be exempt.

Even Toben argued that his Holocaust denial was a part of a public discussion of an academic matter, namely the history of the Holocaust.

Free speech has never been unfettered. Defamation laws provide remedies for damage to reputation and hurt to feelings. Misleading and deceptive conduct is prohibited in trade or commerce. It is only the restrictions on hate speech which have attracted the Attorney-General's ire in the name of free speech or, as he puts it, "the right to be a bigot".

As noted by Race Discrimination Commissioner Tim Soutphommasane, racism can have the effect of silencing its targets. We all have a right to be protected against bigotry and hatred. The emasculated Racial Discrimination Act will not do this.

Steven Lewis is a principal at ACA Lawyers and has run a number of cases under section 18C of the Racial Discrimination Act

http://www.theaustralian.com.au/business/legalaffairs/proposed-changes-would-dramatically-weaken-theracialdiscriminationact/storye6frg97x1226866724033

****

The Matter of Töben's Bankruptcy
Memo from Töben, Sydney, Australia,
25 September 2012

1. Please note the below media reports contain inaccuracies. Mr Peter Hartung has been the Director of Adelaide Institute since 2009. I was imprisoned in Germany in 1999 because of a letter I had written to legal individuals in Germany about the Günter Deckert case. The matter went to appeal where a re-trial was ordered, which would have happened had the October 2008 London extradition attempt on an European Arrest Warrant succeeded. Last year Justice Dr Meinerzhagen advised me that the action against me has been stayed indefinitely. Note that media reports claim 'antisemitism', 'Holocaust denial', 'racism', et al, are the matters that are dealt with during such court proceedings. This is only half the story because the matters of fact of my case were never canvassed in open court – nothing was ever defined as claimed by the media. When in November 2007 I offered an apology for upsetting the court the Jewish media latched on to it by claiming I had given a 'Holocaust denial' apology', in effect re-canting my 'Holocaust views', as David Irving, David Cole and Christian Lindtner had done. I still do not understand why Irving did this because he is not an expert on matters Holocaust but the world's greatest historian of World War Two. When I saw those 'Holocaust denial' headlines in the *Australian Jewish News* I knew I had to withdraw my apology. I had in effect already deleted so-called offensive material from Adelaide Institute's website but I stopped deleting links from the pages to other websites, something that was not covered by the apology. So, be wary about apologising. Also, after I gave my apology to the court I felt sick – after I unilaterally withdrew the apology I felt much better.

I don't mind apologising because if what I say is said rudely or crudely said but not if it is what I believe to be the truth of a matter. Hence, I wondered what was the aim of a request for my apology when in 1997 Jeremy Jones wished me to apologise to HREOC in the following terms:

Order that the Respondent apologise to the Applicant in the following terms:

"To Mr Jeremy Jones
Executive Vice President
Executive Council of Australian Jewry
146 Darlinghurst Road
Darlinghurst NSW 2010

I hereby unreservedly and unconditionally apologise to you and to the Australian Jewish community for having published material inciting hatred against the Jewish People in contravention of the *Racial Discrimination Act*.

I undertake that neither I nor any employee or agent of mine (actual or ostensible) will publish any such material in the future and that all such material which is presently published by me, or by any employee or agent of mine (actual or ostensible) in any print or electronic media (including the Internet) will forthwith be withdrawn from publication".

Order that the respondent forthwith, and at his own expense, undertake a course of counselling by a conciliation officer of the Human Rights and Equal Opportunity Commission as to the rights and responsibilities of the Respondent under the provisions of the Racial Discrimination Act.

*

Note that the HREOC conciliator could not conciliate our differences because Mr Jones refused to go into mediation, and he immediately sought a public hearing, which he then followed up with the costly legal action in the Federal Court of Australia. Note also that I wiped the content of Adelaide Institute's website after the HREOC decision in 2000 and again after the Federal Court of Australia decision – and began again.

And note again that I submitted the JS Hayward thesis to the HREOC commissioner and to the FCA judge, which both of them ignored because Jeremy Sean Jones claimed before both that there is no such thing as questioning matters Holocaust and those who do are 'Holocaust deniers'.

Hayward had sent me his thesis copy in 1998 and I submitted it as part of my defence. Then began the hounding of Hayward who recanted, as he informed me later, because he and his family received death threats. Canterbury University, New Zealand, reacted to New Zealand's Jewish groups agitating to have the thesis demoted to a B.A: 'The Fate of Jews in German Hands: An Historical Enquiry into the Development and Significance of Holocaust Revisionism. Thesis (M.A.). University of Canterbury, 1993'. It refused because it considered Hayward not to have been dishonest in his research.

When Hayward recanted, I asked him to give me the factual reasons on which he had based his decision to re-cant – I am still waiting for such reasons. In 1983 German Judge Wilhelm Stäglich had his 1951 awarded

doctorate of law revoked by the University of Göttingen on account of Stäglich having written *The Auschwitz Myth – Legend or Reality*, a book detailing his experiences at Auschwitz during World War Two.
Asking questions can be upsetting for those who have lived on a lie for a lifetime, who have built their world view on a factual lie, but that does not mean such individuals should have legal protection on account of hurt feelings experienced when someone asks them probing questions. On account of my German background I take it as my right to ask questions what happened during World War Two and openly enquire whether my father was a part of the alleged mass murder machine operating during the war in Germany and in territories under its control.

2. Last year, 2011, I paid court costs of $56,000+, all up over $75,000, and I did this by selling my modest home of 27 years in country Victoria. This action was preceded by an offer of settlement in November 2010, which was refused, my then lawyer stating that 'they don't want your money. They want to bankrupt you'.

3. Lawyer Steven Lewis, on 20 July 2010, during his political speech as Labor candidate for the seat of Wentworth predicted: 'We're about to bankrupt Töben': - at 17.40 minutes into clip:
http://www.jwire.com.au/news/wentworthcandidates-address-board-of-deputies-plenum/10541

4. This year another claim for court costs of over $175,000 was made in the knowledge that I now have no assets – but the Executive Council of Australian Jewry and its henchmen want their pound of flesh, as per Shakespeare's *Merchant of Venice*.

5. I am now hoping to find a court that resembles the Duke of Venice's court of law where lawyer Portia appears and asks Shylock/Executive Council of Australian Jewry, to show mercy towards me because it *'is twice blest: It blesseth him that gives and him that takes'*.

6. The whole saga began in 1996 when the Executive Council of Australian Jewry, Jones, et al, took their complaint to the Human Rights and Equal Opportunity Commission-HREOC where Commissioner Kath McEvoy – also law lecturer at the University of Adelaide, applied the Racial Discrimination Act - RDA. Under Section 18c anything said or written 'that is likely to offend' is deemed to cause an offence and activates the powers of the RDA. This section in effect protects 'hurt feelings' – and when Holocaust material is openly debated, then hurt feelings begin to flood and those who seek the physical truth of a matter are found guilty of an offence.

7. More on the history of this 17-year battle later because some of those judges involved in making legal decisions on a number of occasions shamefully 'bent to Executive Council of Australian Jewry pressure' and found against me, thereby revealing their own moral and intellectual bankruptcy.

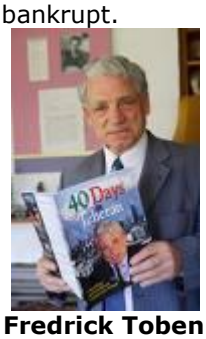
8. I shall never re-cant my views because the essence of being human is to be able to cherish free expression on any topic, unless of course someone in open debate produces factual information that further clarifies an issue/problem. In 1999 I penned the following:

If you take away my freedom to think and to speak, you deny me my humanity, and you commit a crime against humanity. Truth is my defence.

*

Holocaust Denier Bankrupt
September 25, 2012 Agencies

Fredrick Toben, the Holocaust denier who was jailed in 2009 for contempt of a court order banning him from publishing anti-Semitic material on his website, has been declared bankrupt.



Fredrick Toben

Toben, who is based in Adelaide, was ordered last year to pay $56,000 in court costs to Jeremy Jones, who filed the original case against him on behalf of the Executive Council of Australian Jewry. When Toben failed to pay the court costs, Jones lodged a bankruptcy claim against him.

In the Federal Magistrates Court Monday, Registrar Anthony Tesoriero, on the application of the ECAJ, made a sequestration order against Toben, declaring him bankrupt. He has 21 days to appeal.

Despite his financial woes, Toben says on his Adelaide Institute website he will "not recant and continues to denounce the Holocaust lies." Jones said today's declaration was an administrative ruling. "It has nothing to do with the legal or moral argument at all," he said.

http://www.jwire.com.au/news/holocaust-denier-bankrupt/28433

*

Holocaust denier Fredrick Toben declared bankrupt in Australia

Jewish Telegraphic Agency, September 24, 2012

SYDNEY (JTA) -- Dr. Fredrick Toben, a Holocaust denier living in Australia, was declared bankrupt after a claim against him by a Jewish leader. The Adelaide-based Toben was declared bankrupt in Federal Magistrates Court on Monday. He has 21 days to appeal.

Toben was ordered last year to pay $56,000 in court costs to Jeremy Jones, who filed the original case against him on behalf of the Executive Council of Australian Jewry. When Toben failed to pay the court costs, Jones lodged a bankruptcy claim against him.

Despite his financial woes, Toben said on his revisionist Adelaide Institute website that he will "not recant and continues to denounce the Holocaust lies."

The Germany native was jailed in 2009 for contempt of a court order banning him from publishing anti-Semitic material on his website.

Jones said the bankruptcy declaration was an administrative ruling. ***"It has nothing to do with the legal or moral argument at all," Jones said.***

http://www.adelaideinstitute.org/HomePage28April2009/toben_memo_bankrupt_2012.htm

Note: This last comment by Mr Jones encapsulates the mindset with which I have been dealing for just on two decades, and it indicates how Mr Jones' attitude is absolutely immoral because all human activity falls under the moral concept, which he in his Talmudic sophistry wishes to discuss away.
I do not say this lightly because MR Jones claims to be an "'observant Jew', and as the moral-ethical foundation for Jews rests on Talmud, then his stance is understandable. Talmud divides the world into Jews and non-Jews.
Note the YouTube clip of Steven Lewis addressing on 20 July 2010 the NSW Jewish Board of Deputies the comment about his celebrating my impending bankruptcy have been cut out: *Two Wentworth candidates discuss Jewish and Israeli issues* at: http://www.youtube.com/watch?v=L4S4nFGJRsg

---

5. Though Töben is a major stake-holder in the matter, the Attorney-General refuses to meet with him

From: Attorney Correspondence
attorney@ag.gov.au
Sent: Friday, 10 January 2014 11:54 AM
To: toben@toben.biz
Subject: Meeting with the Attorney-General and Minister for the Arts [SEC=UNCLASSIFIED]

UNCLASSIFIED
Dear Dr Toben,
Thank you for your recent email requesting a meeting with the Attorney-General and Minister for the Arts.
I apologise that the Attorney-General and Minister for the Arts is unable to meet with you.
As Attorney-General and Minister for the Arts, Senator Brandis attempts to facilitate as many meetings with stakeholders and constituents as possible. On many occasions, he is also required to represent the Prime Minister and the Government in his capacity as Deputy Leader of the Government in the Senate.
If you have any pressing concerns, Senator Brandis would be happy to respond to you in writing and our office can be reached via email at attorney@ag.gov.au or at the mailing address below:
Office of the Attorney-General and Minister for the Arts
Ministerial Wing
Parliament House
CANBERRA ACT 2600
Thank you again for taking the time to contact the Attorney-General and Minister for the Arts.
Yours faithfully,
Kathryn
Office of the Attorney-General and Minister for the Arts
Deputy Leader of the Government in the Senate
t: +61 (2) 6277 7300 | attorney@ag.gov.au

*****

Jews 'favoured while other minorities unprotected'
RACHEL BAXENDALE
THE AUSTRALIAN. MARCH 28, 2014 12:00AM
A WESTERN Sydney imam believes the Abbott government's proposed repeal of section 18C of the Racial Discrimination Act will create a situation that favours Jews and discriminates against indigenous Australians and other minority groups.
Afroz Ali, the president of the al-Ghazzali Centre for Islamic Sciences and Human Development and founding member of the Australian Religious Response to Climate Change, warned on his Facebook page yesterday that Tony Abbott and Attorney-General George Brandis were trying to "have their racist ways to protect prejudiced sophists like Andrew Bolt and such ilk of hate-speech spreaders".
He cautioned that if 18C was repealed, it would become "illegal to make any hate speech against Jews, but fully legal to make hate speech against the indigenous people of Australia, for example, and get away with it as an excuse of 'freedom of speech' ".
Imam Afroz advised: "Do not forget such bigoted racist policies these individuals are sinking Australia back into, and make sure you vote them out of parliament at the very next election, if not sooner."
Imam Afroz told The Australian yesterday that he believed international laws and declarations against anti-Semitism would have the effect of "disproportionately protecting the Jewish people of Australia" under the appeal of 18C, while other groups would not have the same protection.
Executive Council of Australian Jewry executive director Peter Wertheim said the repeal of 18C would broaden the scope for hate speech against all communities.
"It would also facilitate the importation into Australia of the racism and bigotry that fuels many overseas conflicts," he said.
http://www.theaustralian.com.au/nationalaffairs/jews-favoured-while-other-minorities-unprotected/story-fn59niix-1226866852852

---

6. Global politics enters the discussion – and ANTISEMITISM appears

David de Rothschild's World Jewish Congress meeting in Paris
April 2, 2014

The World Jewish Congress (WJC) held its biannaul board of directors meeting in Paris on March 31, 2014.
The Council consists of 49 members, plus the representative of the United States, Ambassador Ira

Forman, in charge of the fight against anti-Semitism. It includes two French members, Roger Cukierman (CRIF president and vice-president of the World Jewish Congress) and **David de Rothschild** (President of the Foundation for the Memory of the Shoah and Board member of the World Jewish Congress).
In addition to its members, the Board heard a statement by French economist Jacques Attali.
The Council passed several motions:
- Support for Manuel Valls, the new French Prime Minister, for his action against the anti-Zionist comedian Dieudonné.

- **Fight against anti-Semitism.** In particular, approving the British sanctions against the footballer Nicolas Anelka (a friend of Dieudonné), **urging the Australian government not to reform the Racial Discrimination Act, and supporting the Greek authorities in their fight against the Golden Dawn party.**
- Situation in Ukraine. The Council called on governments not to exaggerate the situation of Jews in the country and not to use it to challenge the legitimacy of the new government.
- Israel and the peace process. Denunciation of the alleged apartheid character of the state of Israel and the BDS boycott campaign. Call for the recognition of Israel as a Jewish State.
- Argentina-Iran Protocol. Call for the repeal of the Memorandum of Understanding on the investigation into the 1994 bombings in Buenos Aires.
- Hungary. Condemnation of the celebration by the Hungarian authorities of Miklós Horthy, regent of the Kingdom of Hungary during the years between World Wars I and II, and support for the Jewish community in Hungary for their boycott of the Holocaust memorial events.

Finally, the Council adopted the Robin Shepherd report on the evolution of neo-Nazi groups in Europe.
It is to be noted that the World Jewish Congress does not defend Jews, but the interests of the State of Israel. Similarly, it does not oppose Nazis in general, but only those who threaten Israeli interests.
http://www.voltairenet.org/article183129.html

---

7. The Bob Carr Book Affair: *Diary of a Foreign Minister* ...connects the dots

Diary changes agenda

NICK CATER

THE AUSTRALIAN, APRIL 15, 2014 12:00AM

HATS off to Bob Carr. Within days of publication, *Diary of a Foreign Minister* has changed the agenda at the Adelaide Institute's home page, an accomplishment that has eluded human rights lawyers for years.
Carr's claims about the power of "the Lobby" and its puppets in the falafel faction of the parliamentary Labor Party is the kind of story that goes down well with the Fuhrer-fawning fringe.
No fewer than five stories about Carr had been posted by last night, shoving hardcore historical revisionism, like *The Jewish Gas Chamber Hoax*, on to the next screen alongside David Irving's rants, an article questioning the efficacy of Zyklon B gas, and a report from Iran claiming that the Balfour Declaration was "a crime against humanity".
If section 18C of the Racial Discrimination Act were working as its advocates intended, this objectionable material would have been taken down years ago.
After all, it is almost 18 years since the Executive Council of Australian Jewry lodged a complaint to the Human Rights and Equal Opportunities Commission about what it claimed was the "malicious anti-Jewish propaganda" published by Fredrick Toben.
The HREOC upheld the complaint lodged by the council's Jeremy Jones that the publication was highly offensive to the Jewish community.
When Toben failed to comply with an order from the federal court to remove it and publish an apology, he was found guilty of contempt and sentenced to three months in jail.
Jones is a tireless, public-spirited worker on behalf of the Jewish community and the wider cause of Israel, yet the protracted Toben saga has had disturbing consequences.
Toben's notoriety has ensured years of publicity. He has become a martyr within a minority of the community who regard him as a serious historian. The attempt to shut him down has reinforced their belief in an internationally sanctioned conspiracy.
As Alan Dershowitz wrote on these pages this month, if we turn "those who express racist ideas into criminals, we give their bigoted voice a megaphone".
It would be nice, therefore, if we could ignore this ignominious pretender in discussing the amendments to the act contemplated by Tony Abbott's government. Yet we cannot, particularly since advocates of the status quo have reduced the whole debate to an argument about Andrew Bolt, when clearly it is not.
Bolt's case is easily defended. The illiberal interpretation of the law that judge Mordecai Bromberg adopted in his finding against Bolt must never be used again.
Toben is an altogether more ugly beast yet he, too, must be defended since the right to free speech applies just as much to him as it does to everyone else.
Judge Louis Brandeis's landmark 1927 judgment in the case of Whitney v California remains pertinent: "If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the

processes of education, the remedy to be applied is more speech, not enforced silence."

Holocaust denial undoubtedly is offensive, insulting and humiliating yet in itself does not fall into the narrow category of things that can justifiably be suppressed. In Brandeis's opinion, the law should confine itself to incitement, the "clear and present danger … that immediate serious violence was to be expected or was advocated".

Among the more misleading claims made by opponents of change is that they will "open the door" to Holocaust denial. It was an argument put most recently by barrister Arthur Morris.

Yet, Morris would be well aware, Australia is not one of the 17 countries where Holocaust denial is implicitly or explicitly illegal. If he wants to argue that it should be, then let us have an honest debate, for Hansard makes clear parliamentarians never intended the vilification amendments to operate as a de facto ban on Holocaust denial when they were passed in 1994.

Indeed, the door is already well and truly open. Denialist arguments are prosecuted daily on the internet, proving the truth of Benedict de Spinoza's 350-year-old dictum that "every man is by indefeasible natural right the master of his own thoughts".

That there was little public outcry in 2009 when Toben was sentenced to jail is a measure of the natural opprobrium that falls upon those who seek to explain away history's most heinous crime.

Yet some far-sighted liberal thinkers did speak out in defence of free speech, among them *The Australian*'s Janet Albrechtsen and the British commentator Melanie Phillips.

They were right to do so, for when it comes to crimes against humanity, too much discussion is barely enough.

If the revisionists force us to examine yet again the banality of Hitler's final solution, to rexamine, for example, the blueprints for the factories of mass slaughter built at Auschwitz in 1943, and imagine what might have been going on the heads of architects Walter Dejaco and Fritz Ertl, we are drawn irresistibly to Hannah Arendt's conclusion: "The sad truth is that most evil is done by people who never make up their minds to be either good or evil."

If Toben's grotesque views oblige us to re-read the testimony of witnesses such as Primo Levi, then he is doing us a favour. Levi had the measure of these close-minded con men. He declared: "Those who deny Auschwitz would be ready to remake it."

The attempt by Ron Merkel to link Bolt by association to Holocaust denial was perhaps the most grievous mistake he made as prosecutor in the case of Bolt v Eatock. "The Holocaust in the 1940s started with words and finished with violence," he told the court. No, Mr Merkel. It is not speech but totalitarian suppression that makes atrocities possible. The Holocaust started in silence and continued in silence.

Nick Cater is a visiting fellow at the Centre for Independent Studies.

http://www.theaustralian.com.au/opinion/columnists/diary-changes-agenda/story-fnhulhjj-1226884268702

****

Locked in a war of words to define free speech

***Gay Alcorn*, Columnist, March 29, 2014**

Fredrick Toben always insisted he wasn't a Holocaust denier because you couldn't deny something that never happened. The German-born Australian says there was never any systematic German program to kill Jewish people, denies the existence of gas chambers at Auschwitz and claims that Jews exaggerated the numbers murdered during World War II, sometimes for financial gain.

When Australia passed racial hatred laws in 1995, the Executive Council of Australian Jewry decided to take Toben on, led by its then director Jeremy Jones and the solicitor in the case, Peter Wertheim. Their first complaint was in 1996. It took until 2002 for it to get to the Federal Court, which found that Toben's views weren't part of academic debate about the Holocaust, but were designed to ''smear'' Jews.

Toben refused to remove the material, citing freedom of speech. In 2009, he was sentenced to three months' jail for contempt of court.

Wertheim is the executive director of the council, which has used racial hatred laws aggressively to fight serious examples of anti-Semitism - cases have been conciliated though the Australian Human Rights Commission and several have found their way to the Federal Court.

The influential national Jewish group and every major ethnic organisation in the land will not let these laws go without a fight.

Illustration: Matt Davidson

The government, which this week released proposed amendments designed to end the ''chill factor upon freedom of speech'', as Attorney-General George Brandis put it, suddenly seems nervous about championing the free speech of people such as Toben.

The draft laws ''would always capture the concept of Holocaust denial'', Brandis insisted, saying it would amount to racial vilification, a proposed new provision.

But Wertheim, as well as human rights lawyers, the libertarian Institute of Public Affairs, which campaigned to scrap racial hatred laws, and the Race Discrimination Commissioner, Tim Soutphommasane, are in agreement that people like Toben are likely to have free rein if the proposals become law, because the exemptions to vilification are so broad.

Critics of the government's proposals say they are shocked at how far they wind back the right of

vulnerable groups to seek redress for serious hate speech. They say Australia's laws have worked with little controversy for almost 20 years and that the changes are a ''contrivance'', as Human Rights Commission president Gillian Triggs put it, to deal with conservative outrage about one case.

Activist Pat Eatock speaks to media after the Federal Court found in 2011 that columnist Andrew Bolt had breached the Racial Discrimination Act. ***Photo: Justin McManus***

Columnist Andrew Bolt was found to have breached race hate laws in 2011 through articles - full of inaccuracies - questioning whether prominent fair-skinned Aboriginal people were claiming to be indigenous to receive benefits available only to Aborigines.

The government made no secret before the election that it found the Federal Court's decision amounted to censorship of political opinion, and pledged to scrap the racial hate laws in their current form.

Amid the emotion and politics in this debate, there is a serious question about where to strike the balance between free speech in a democracy and protection against racial abuse in a multicultural society. Michael Gawenda, former editor-in-chief of *The Age* and now a fellow at the Centre for Advancing Journalism at the University of Melbourne, believes the government has ''botched'' the handling of this. But he questions whether the current laws, which prohibit ''insulting'' and ''offending'' people on racial grounds are, in some circumstances, too broad, and even whether we need racial vilification laws.

Herald Sun **columnist Andrew Bolt, who in 2011 was found to have breached section 18C.**

''There are already laws against racial violence,'' Gawenda says.

''There are certain things that you can't do, you can't intimidate people in terms of abusing them, you can't assault them, you can't advocate violence against groups or individuals.

''There is an argument to say that racial vilification laws are a slippery slope and you do end up with laws against insulting or offending people.

''In the end, I believe good argument beats bad argument. You take on racists by exposing them, not by banning them. And I don't think any editor is under any obligation to publish their shit.''

Politically, the government is finding the nuance beyond it. It might have been right in the abstract, but for Brandis to say that ''people do have a right to be bigots, you know'' while trying to convince people that his draft would strengthen protection against racial hatred is hard to pull off.

The backlash may mean changes to Brandis' ''draft exposure'' amendments, with a flood of submissions expected by the end of April. Fairfax reported this week that the resistance was not just external, with objection in cabinet to Brandis' proposals.

Some in the broader party are expressing doubts publicly, including NSW Premier Barry O'Farrell and Victorian Multicultural Affairs Minister Matthew Guy. Senator Brandis is now sounding more conciliatory, indicating he is ''open to other suggestions''.

At the centre of debate is section 18C of the Racial Discrimination Act, which makes it unlawful to do an act publicly that is likely to ''offend, insult, humiliate or intimidate'' on the basis of race or ethnic origin. You can do all those things but still be protected if your action was done reasonably and in good faith, and if it's an artistic, academic or scientific work, or part of a debate in the public interest. It's a civil, not a criminal, provision - there are no convictions for breaching the

act, and remedies are often apologies or small payments.
The courts have interpreted the law to mean that a ''mere slight'' is not unlawful - it needs to be serious racial abuse. The laws were controversial from the beginning, with then opposition leader John Howard opposing them.
The government's changes would get rid of ''offend, insult and humiliate'', which the government says amounts to ''hurt feelings'', which shouldn't be outlawed in a rowdy democracy. It keeps ''intimidate'', but defines it narrowly as causing fear of physical harm, with no mention of psychological harm. It introduces a provision against vilification, defined as inciting hatred.
The key is that the emphasis switches from the impact racial hatred has on its victims to whether it causes fear or incites racial hatred in others. Even if you do intimidate or vilify someone on the basis of race, there is a broad exemption for anything ''communicated in the course of participating in the public discussion of any political, social, cultural, religious, artistic, academic or scientific matter''. The requirement to be reasonable and in good faith are gone. Prime Minister Tony Abbott told *The Conversation* that the proposals would produce ''a stronger prohibition on real racism, while maintaining freedom of speech in ordinary public discussion''.
Soutphommasane, whose job is to oversee the laws, begs to differ. ''This would involve a very dramatic change to the law … it severely weakens the protections that exist against racial vilification and may have the effect of encouraging a minority of the population that they can racially abuse and harass someone with impunity.''
His boss, Gillian Triggs, believes the exemptions are so broad that ''it is difficult to see any circumstances in public that these protections would apply''.

Holocaust denier Fredrick Toben was found to have breached the Racial Discrimination Act.

There would not be another Andrew Bolt case. Judge Mordecai Bromberg found that Bolt couldn't rely on the free speech exemption because he did not act reasonably and in good faith, and that his articles contained ''gross inaccuracies''. Even if it was found that his articles caused others to be fearful or incited racial hatred, they would be exempt because they were part of public debate.
Critics are bewildered as to why these changes are a priority. The vast majority of complaints to the Human Rights Commission are settled through mediation, with only about 3 per cent reaching court. Academics Luke McNamara and Kate Gelber have recently completed research on the impact of hate speech laws on public discourse in Australia. Of 3788 vilification cases lodged nationally under federal and state laws between 1989 and 2010, just 68 (or 1.8 per cent) were referred to a tribunal or court. Of these, just 37 (54 per cent) were successful.
''Our headline conclusions was that the claim that there is a diminution of free expression in our society [because of the laws] is not supported,'' said Professor McNamara. ''The claim that these laws are a magical solution to racism isn't really supported, either. Most people who experience racism are never going to invoke these laws but take comfort from their existence.''
The director of the Castan Centre for Human Rights Law at Monash University, Professor Sarah Joseph, was uncomfortable that under the existing law ''offend'' and ''insult'' could restrict free speech.
''There is no human right to be free from offence and insults, even on the basis of one's race,'' she said.
But the government went much further. The definition of intimidation was now too narrow, Joseph said. And the shift in the standard to be applied when deciding if something is intimidating or vilifying becomes that of a reasonable member of the general community rather than a member of the targeted group. That misunderstood how severely some people could be impacted.
''But the biggest problem is the exemption which seems to remove all statements made in public debate,'' she said. ''There's no requirement for reasonableness or good faith. It's an extremely broad exemption.''
Joseph believes that only racial abuse such as neighbourhood disputes - where a neighbour hurls racial insults at another over a fence, for instance -

might be caught. Anything to do with public debate, unless it incites hatred in another or intimidates to the point of causing fear of physical harm, would not be unlawful. Virtually nothing that appeared in the media, including blogs, was likely to fall foul of the law.

Peter Wertheim understands the free speech arguments, but says what is most upsetting about anti-Semitism is not that somebody writes that the Holocaust never happened. It's the smear, the insinuation about what Jews are like, the dehumanising of individuals. There's a role for the law in that, he says.

''To be the object of racism is to be depersonalised, to be made an abstraction. I think people who have not been the objects of racism often don't understand that. I don't think the government understands it either.''

HOW OLD CASES WOULD FARE UNDER THE NEW LAW

THE LAW NOW

Under the Racial Discrimination Act, it is unlawful to do something that is reasonably likely to ''offend, insult, humiliate or intimidate'' someone because of their race or ethnic origin (Section 18C). There is a free speech exemption if you have acted reasonably and in good faith and if it is an artistic, academic or scientific work or about a matter of public interest. (Section 18D)

Critics say the law is too broad, particularly the words ''offend'' and ''insult'', and has the potential to restrict free speech on contentious issues.

THE PROPOSED NEW LAW

The government's ''exposure draft'' would get rid of ''offend, insult and humiliate'' but ''intimidate'' would stay, defined as causing fear of physical harm. A new provision would outlaw racial vilification, defined as inciting hatred. The need to act reasonably and in good faith is gone, with the free speech exemption applying to ''public discussion of any political, social, cultural, religious, artistic, academic or scientific matter''.

Critics say the amendments go too far and would fail to protect vulnerable groups from racial hatred, particularly given the broad exemption for racial abuse if it was done as part of public discussion.

THE IMPLICATIONS

The director of the Castan Centre for Human Rights Law, Professor Sarah Joseph, assesses how the following three cases would fare under the new draft laws.

EATOCK v BOLT 2011

Herald Sun columnist Andrew Bolt was found to have breached section 18C in two articles suggesting prominent fair-skinned Aborigines had falsely identified as indigenous to claim benefits available only to Aboriginal people. The judge ruled Bolt could not rely on the exemption for a matter of public interest because he had not acted reasonably or in good faith, and his articles contained gross inaccuracies.

Professor Sarah Joseph: Bolt would not have lost the case. His articles were found to have been likely to intimidate, but intimidation has been narrowed to mean ''cause fear of physical harm'' and it is unlikely that the articles would make someone fear physical harm. It is also unlikely they would be found to vilify fair-skinned Aboriginal people, as it would be hard to establish they would cause third parties to hate that group. In any case, the defence for anything written as part of public discussion is so broad it seems to ''save'' almost any column written in the mainstream media, and probably any blog.

CAMPBELL v KIRSTENFELDT 2008

In what started as a neighbourhood dispute in a town outside Perth, Mervyn Kirstenfeldt was found to have breached section 18C by repeatedly calling his neighbour Kaye Campbell, an Aboriginal woman, names such as ''Gin'', ''nigger'', ''coon'' ''lying black mole c---'' and telling her to go ''back to the scrub where you belong''. The abuse was often made in the presence of Campbell's family and friends.

Joseph: This could be perceived as intimidating or vilifying. The repetition could make an ordinary person fear physical harm. The abuse could be interpreted as vilifying, though it is unlikely Campbell's friends and family would be turned against her. The public discussion defence would not apply, as the abuse is not in the context of political or social commentary. Such ''neighbourhood'' abuse would still be against the law.

JONES v TOBEN 2002

In the first case to do with racial abuse on the internet, Holocaust denier Fredrick Toben was found to have breached the act and was ordered to remove offensive material from the web. Toben expressed doubt that the Holocaust ever happened, said it was unlikely there were gas chambers at Auschwitz, and claimed Jewish people, for reasons including financial gain, had exaggerated the numbers of Jews killed.

He was found to have lacked good faith because of his ''deliberately provocative and inflammatory'' language.

Joseph: Toben would likely not be found in breach of the new law. It is unlikely his speech intimidates so as to make people afraid for their physical, as opposed to psychological, wellbeing. It could however be interpreted as vilification. Holocaust denial indicates that the Jews have concocted the Holocaust for self-serving purposes, a classic anti-Semitic idea that has historically provoked hatred against Jewish people.

However, Toben would likely be saved by the exemption, as he could claim his website was published as part of political, social, cultural, or academic discussion.

There is no requirement the discussion be reasonable or be conducted in good faith.

http://www.smh.com.au/national/locked-in-a-war-of-words-to-define-free-speech-20140328-35oi1.html

****

Freedom:

the government's inconsistent approach

Sarah Joseph, April 8, 2014

Our federal government is committed to promoting greater "freedom". It has appointed a "Freedom Commissioner", Tim Wilson, and has asked the Australian Law Reform Commission to conduct a freedom audit of statutory laws. Writing in January, Attorney-General George Brandis described "freedom" as the "most fundamental of all human rights". But what does "freedom" mean?

Brandis and Wilson espouse the classical "freedom from" the government, where human activity is "regulated" by voluntary interactions in the free market rather than by the state. Regulation by the state, in contrast, is portrayed as oppressive, inefficient, or too expensive.

"Freedoms from government" are extremely important. But there are other important aspects to freedom. There are practical "freedoms to" do the things that one wants to do. It is easier to do such things if one is rich, but harder if one is vulnerable or disadvantaged. "The market" does not fairly allocate such freedoms, as it pays no attention to pre-existing power relations and capabilities. Such an approach to freedom, if adopted exclusively, protects the strong but offers far less for others.

Governments must sometimes take positive steps to protect freedom. For instance, it enacts anti-discrimination law to prevent people from being deprived of opportunities on irrelevant grounds such as race or gender.

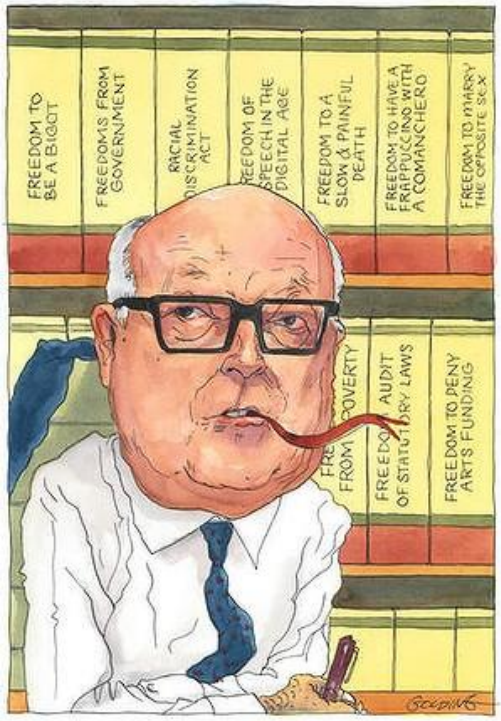


Illustration: Matt Golding.

Race discrimination has dominated Australia's freedom debate thanks to the proposed amendments to the "hate speech" provisions of the Racial Discrimination Act. Certainly the current law restricts freedom of speech, especially for bigots. However, it also enhances countervailing freedoms. Speech which humiliates or intimidates on a racial basis, particularly for those battered by it for much of their lives, can seriously restrict a targeted person's perception of what they are able to do, or where they are able to go. Their freedom is practically inhibited. Yet such speech will be largely lawful if the proposed amendments are adopted, due to narrow definitions and very broad defences.

Discrimination law is just one way that governments actively protect freedom in its broader sense. Another way is via welfare payments, which prevent marginalised people from living in grinding poverty, a situation affording very little practical freedom. It will be interesting to see how the government protects this type of freedom during its time in power.

In any case, the government's narrow approach to freedom is inconsistently applied. The government does not, for example, favour the freedom to marry a same-sex partner, the freedom to die voluntarily with dignity, or freedom from random spying by a friendly foreign government. Brandis has openly supported Queensland's draconian bikie laws, which are a shocking assault on classical notions of freedom of association.

Freedoms often clash and must be balanced against one another. A running theme for this government is that such clashes are often resolved in favour of commercial interests. For example, the Department of Prime Minister and Cabinet is tightening controls over its employees, prohibiting them from criticising government policy, even anonymously and in a private capacity, on social media. Extraordinarily, employees are expected to "dob in" colleagues if these guidelines are breached. Freedom of contract, a commercial right, is being upheld over freedom of speech. Certainly, public servants are free to quit their jobs if they want to tweet or blog more freely about politics. But that isn't such an easy choice in the real world.

Senator Richard Colbeck, the parliamentary secretary to the Minister for Agriculture, suggests that laws might be amended to ban many environmental boycotts of businesses. Colbeck denies any consequent harm to free speech, while nevertheless arguing that campaigners "should not be able to run a specific business-focused or market-focused campaign".

The government's distaste for boycotts is already evident in Brandis' astonishing reaction to the Sydney Biennale controversy. As Arts Minister, he has directed the Australia Council to cut funding to arts groups which "unreasonably" refuse corporate sponsorship. He seems to be creating a right for corporations to inflict their brands on others, or an inalienable right to sponsor, which prevails over artists' freedom of conscience. Art is not apolitical or value-free: the best is opinionated, not cowed.

Requiring recipients of government funding to be apolitical is inimical to "freedom". It leads to a skewed public sphere of debate: the privately funded have enormous freedom to express opinions while the publicly funded are muzzled.

A final example is Australia's outdated copyright laws, which fail to properly protect free speech in the digital age. For example, many "shares" on Facebook unwittingly breach copyright. Recognising this, the Law Reform Commission recommended the adoption of a more flexible defence of "fair use" to copyright infringement. The Attorney-General has indicated that he sides with copyright holders, meaning no change.

Yet Brandis is misguided if he thinks his position supports business. Google and Wikipedia could not be based here. They are based in the US, where the fair use defence encourages innovation. Current copyright law is bad for freedom, including political, social, informational, cultural and commercial freedom.

Australia's freedom debate is dominated by a narrow, inconsistently applied definition of freedom. In a development which will come to be seen as bizarre, it is disproportionately focused on the freedom to be a bigot. Real freedom is far more complex. And real freedom will be jeopardised unless that complexity is recognised and respected.

Professor Sarah Joseph is the Director of the Castan Centre for Human Rights Law at Monash University. The Centre is holding a Freedom forum on Wednesday 9 April at Monash University Law Chambers in Melbourne.

http://www.theage.com.au/comment/freedom-the-governmentsinconsistentapproach20140408zqs32.html

*

Fredrick Toben comments: 9 April 2014 16.14

Professor Joseph's article does not come to grips with the essence of what the RDA Section 18C is all about and why it needs to be repealed. The so-called "Bolt Law" is in effect a "Holocaust" protection law – hence the claim that if Section 18C is not scrapped, then we have a TOBEN LAW specifically designed to shut me up! If it is scrapped, then the changes will be known as the Toben Amendments.

The Bolt case was used in an attempt to hide this Holocaust matter and to still make it a free expression issue.

In my submission to the A-G I spell out the trap set for the multiculturalists in Australia by Jewish interests who designed Section 18C. The aim of Section 18C has always been legally to protect as long as possible the Holocaust-Shoah narrative.

This elimination of Section 18C is the Anglo-Australian establishment trying to extract itself from the direct Jewish grip and align itself with the US First Amendment that permits anyone hurting another's feelings so long as it is not a direct threat to violence against person or property, i.e. not committing an act of moral turpitude; but the "hate" concept will perhaps eliminate the First Amendment.

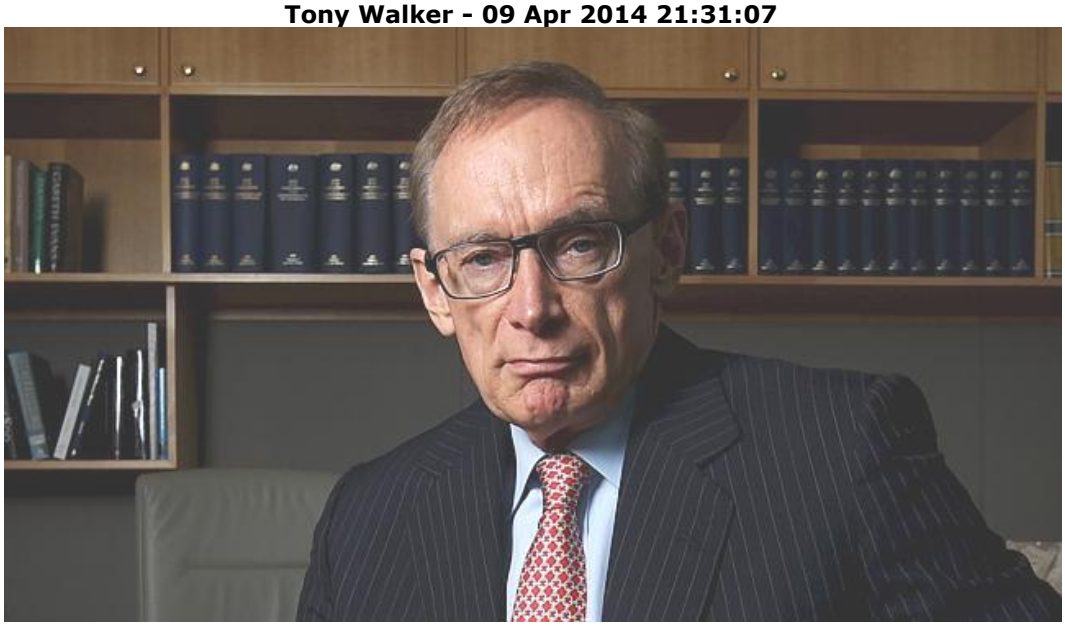
The Liberals are trying to get back to basic British Common Law principles of Natural Justice where an individual is given a right-of-reply, and then if needed defamation law takes over when an insult is not true, and hurt feelings are just that and not actionable.

As "Holocaust" studies are compulsory in NSW schools, it is interesting but certainly not surprising that the specific "Holocaust" angel was revealed in Sean Nicholls' SMH exclusive article: "Barrister warns Barry O'Farrell of Holocaust denial risk under George Brandis' changes" at http://www.smh.com.au/federalpolitics/politicalnews/barristerwarnsbarryofarrellofholocaustdenialriskundergeorgebrandischanges20140406366r8.html#ixzz2y9c4Skrj

****

Carr targets Gillard over 'shameful' Palestine policy

Tony Walker - 09 Apr 2014 21:31:07



In his new book, Diary of a Foreign Minister, Carr provides a detailed account of the most contentious foreign policy issue of the Gillard prime ministership, the vote at the United Nations to elevate Palestine's status. Photo: Alex Ellinghausen

Former foreign minister Bob Carr has launched a withering denunciation of ex prime minister Julia Gillard and Victorian allies, including Bill Shorten, over their attempts to stymie an Australian vote at the United Nations to elevate Palestine's status.

Carr also heaps scorn on Gillard staff-member Bruce Wolpe, whom he portrays as a tool of a Melbourne-based pro-Israel lobby, for his efforts to ensure Australia maintained an uncritical view of Israel's settlements policy.

In his new book, *Diary of a Foreign Minister*, Carr provides a detailed account of the most contentious foreign policy issue of the Gillard prime ministership, and one that threatened to splinter the cabinet.

Carr's battles with Gillard and her close advisers, including Wolpe and then cabinet secretary, Victorian MP Mark Dreyfus, over Israel, mark sour component of his term in office.

"Our stance on the Middle East is shameful," he writes in his diary of November 10, 2012.

"In lockstep with the Likud, designed to feed the worst instincts of Israel, and encourage it to self-destruct.''

In the same diary entry Carr complains bitterly he was prevented from using the word "condemn'' to characterise Australia's reaction to Benjamin Netanyahu government's continuing settlement activity.

Carr laments that "all statements on the Middle East'' had to be drawn to the attention of Wolpe and Dreyfus in the PM's office.

He was told by Wolpe and/or Dreyfus "we don't use the word condemn", and "whatever we do, advise the Israeli ambassador first".

American-born Wolpe is a former US Congressional staff member. He was director of corporate affairs at Fairfax Media from 1999 - 2009.

Carr's detailed account of the intense argument in cabinet that preceded Australia's decision to abstain on a vote elevating Palestine's status to observer at the UN provides an extraordinary insight into the extent to which Gillard identified herself with Israel's interests.

Outnumbered 10-2 in cabinet on the Palestine question (only communications minister Stephen Conroy and workplace relations minister Bill Shorten supported her), Gillard insisted it was her prerogative to say "no" in defiance of a cabinet consensus.
"Her brisk efficiency descended into a style that was icy and robotic," Carr writes in a November 27 entry.

In the end, a weakened prime minister changed her stance and agreed that Australia would abstain on the Palestine vote in recognition that her own cabinet had abandoned her.
Carr had prevailed over those he refers to in his book contemptuously as the "falafel faction".
http://m.afr.com/p/national/carr_targets_gillard_over_shameful_9ghuVg3FArOC9CmCnRBXOM

****

Bob Carr ignored wife's anger and switched to Rudd

GREG EARL Asia-Pacific editor

PUBLISHED: 09 APR 2014 16:05:00 | UPDATED: 09 APR 2014 16:31:09

Bob and Helena Carr disagreed over whether he should switch his allegiance to Kevin Rudd. Photo: Alex Ellinghausen

When then Foreign Minister Bob Carr quietly shifted support his support from Prime Minister Julia Gillard to Kevin Rudd in February 2013 he faced fierce resistance from his wife Helena.
Ms Carr, an independent businesswoman and longstanding political confidant of her husband, opposed Mr Carr's pragmatic switch in allegiance driven by his belief that Mr Rudd would retain more seats for the Labor Party at the upcoming federal election.
"Helena is fuelled up against a Rudd return. Really angry. Even to the point where I've got to warn her against the danger of sounding hot and obsessive," Mr Carr writes in his just released *Diary of a Foreign Minister*.
The book reveals that Mr Carr regarded himself as having, in effect, switched sides on February 25 when he attended a fund-raising dinner in Sydney for Immigration Minister Chris Bowen which Mr Rudd addressed.
But he maintains he had no conversations with Mr Rudd as he stalked Ms Gillard, following events from afar mostly through NSW Labor Party secretary Sam Dastyari and senior right wing MP Joel Fitzgibbon.
He reveals he did not directly speak to Ms Gillard about her situation until a brief private meeting in her office on Wednesday, June 26 when he urged her to stand down just hours before the caucus ballot which she lost to Mr Rudd.
However, he did talk to then Treasurer Wayne Swan about the need for change on June 11 who he says is "pretty mild" but who described Mr Rudd as a "madman".
Mr Carr's main focus is on his 18 months as foreign minister and he provides a rare contemporaneous insight into day to day political decision making equalled only in the Australian context by diaries from former Labor leader Mark Latham and former Hawke government minister Neal Blewett.
But Labor's long running leadership brawl sprawls through the book as Mr Carr, a long serving former NSW Premier recruited by Ms Gillard to replace Kevin Rudd as foreign minister in March 2012, expresses disdain at the leadership division and tries to rise above it and pursue his dream job as foreign minister.
But he expresses regret that he did not take up a NSW Labor Party offer to enter federal parliament in the seat of Blaxland in 2007 and take the job of foreign minister for a longer period.
He had been told Mr Rudd, then the new opposition leader, did not like the idea and he turned it down fearing he would be "trapped in federal politics without securing the only job I would want there." This only added to pre-existing disdain for Mr Rudd from his wife.
Mr Carr declares his support for Mr Rudd in the diary most definitively on March 17 2013 just days after the government's surprise package of media law reforms of which he writes: "The media package, and how it was adopted, has destroyed any confidence I could have in her (Gillard's) office or instincts."

In an insight into how double dealing over the leadership tussle consumed government thinking Mr Carr reports that on May 14 (Federal Budget Day), Mr Dastyari told him there would be no new challenge. But Mr Carr had just been on the phone talking to former senior US government official Kurt Campbell who told him he had recently dined with Mr Rudd in Beijing and been told the challenge would occur before September.

The same day he quotes former senior minister John Faulkner as describing the caucus meeting as like a mausoleum but asking Mr Carr not to quote him because Senator Faulkner wanted to use that description in his own planned book.

Mr Carr strongly criticises the organisation of the Rudd destabilisation campaign accusing its leaders of trying to draw him into being responsible for triggering a challenge without telling him what they were actually doing.

On March 20 after a report in *The Sydney Morning Herald* that Mr Carr had switched sides, Mr Carr writes: "The Rudd forces are freebooting when it comes to sticking my name in the press.

"I simply see him as the least bad alternative … But he hasn't spoken to me. His troops have not communicated that they have a strategy and want me to be part of it – an invitation I would refuse anyway."

http://www.afr.com/p/national/bob_carr_ignored_wife_anger_and_1qCDRI3VKq21b8wQ2KWHnL

****

Bob Carr 'frustrated' by Israeli lobby and lack of First Class fares

Sarah Ferguson, Source: 7.30, Posted Wed 9 Apr 2014, 8:20pm AEST

In his first interview about his book on his time as Foreign Minister, Bob Carr says he was frustrated by the influence of the Israeli lobby and makes no apologies for his preference for First Class flights.

SARAH FERGUSON, PRESENTER: Bob Carr was Australia's Foreign minister for just a year and a half, but the Labor heavyweight found enough material to write a 500-page book on his time in the job.

In The Diary of a Foreign Minister, Bob Carr details what he sees as some of the biggest problems in Australian politics.

He's singled out the Israeli lobby, saying its influence on Australian politics has reached an unhealthy level.

He also declares that former Prime Minister Julia Gillard was selfish for not standing down from the top job.

Like all good diaries, it mixes the lofty with the mundane - his desperation for first-class upgrades on international travel, what he ate for breakfast when he got there and where to buy the best tie.

To get the gossip and the geopolitics, I met up with Bob Carr earlier today in Sydney.

Bob Carr, welcome to 7.30.

BOB CARR, FORMER FOREIGN MINISTER: Pleasure to be with you.

SARAH FERGUSON: The Prime Minister arrives in China today, having announced closer Defence ties with Japan on the way. What sort of reception is Tony Abbott going to get from the Chinese?

BOB CARR: They have been satisfied that the Prime Minister's retreated from what he had said earlier, namely that Japan is an ally of Australia. That was important to them. It was a mistake to describe Japan as an ally and the Prime Minister has beaten a retreat from that and that's sensible. He should be given credit. The Chinese will write that off as the missteps of a new government. I think we've got to think carefully about an Australian prime minister turning up at a national security meeting of the Japanese cabinet. Now what message is that meant to convey? It is in Australia's interests to be strictly neutral when it comes to the territorial disputes in which China's involved and to urge both sides to peacefully resolve those disputes.

SARAH FERGUSON: Let's go to the book. The strongest criticism of all in the book is aimed at the Melbourne Jewish lobby. Now, there are lobby groups for every cause under the sun. What's wrong with the way that group operates?

BOB CARR: Well the important point about a diary of a Foreign minister is that you shine light on areas of government that are otherwise in darkness and the influence of lobby groups is one of those areas. And what I've done is to spell out how the extremely conservative instincts of the pro-Israel lobby in Melbourne was exercised through the then-Prime Minister's office. And I speak as someone who was in agreement with Julia Gillard's agenda on everything else. But I've got to say, on this one, I found it very frustrating that we couldn't issue, for example, a routine expression of concern about the spread of Israeli settlements on the West Bank. Great blocks of housing for Israeli citizens going up on land that everyone regards as part of a future Palestinian state, if there is to be a two-state solution resolving the standoff between Palestinians and Israelis in the Middle East.

SARAH FERGUSON**: You're saying that the Melbourne Jewish** lobby had a direct impact on foreign policy as it was operated from inside Julia Gillard's cabinet?

BOB CARR: Yeah, I would call it the Israeli lobby - I think that's important. But certainly they enjoyed extraordinary influence. I had to resist it and my book tells the story of that resistance coming to a climax when there was a dispute on the floor of caucus about my recommendation that we don't block the Palestinian bid for increased non-state status at the United Nations.

SARAH FERGUSON: They're still a very small group of people. How do you account for them wielding so much power?

BOB CARR: I think party donations and a program of giving trips to MPs and journalists to Israel. But that's not to condemn them. I mean, other interest groups do the same thing. But it needs to be highlighted because I think it reached a very unhealthy level. I think the great mistake of the pro-Israel lobby in Melbourne is to express an extreme right-wing Israeli view rather than a more tolerant liberal Israeli view, and in addition to that, to seek to win on everything, to block the Foreign Minister of Australia through their influence with the Prime Minister's office, from even making the most routine criticism of Israeli settlement policy using the kind of language that a Conservative Foreign secretary

from the UK would use in a comparable statement at the same time.

SARAH FERGUSON: Now, in that period, you give a very frank account of cabinet discussions - the cabinet discussions about a vote on the status of Palestine in the UN. Now during those cabinet discussions, you effectively rolled Julia Gillard. Do you have any qualms about revealing the details of those cabinet discussions?

BOB CARR: Yeah, one would have to think seriously about that, and I did, but on balance, I think that the public's right to know how foreign policy is made, how cabinet works, outweighs any other considerations. And the value of a diary written so close to the events is that Australians get a better idea of how government works.

SARAH FERGUSON: You're candid about other world leaders, but to be fair, you're also fairly candid about yourself. In fact, you come over as a bit of an obsessive. Are you?

BOB CARR: Yeah, I am. Look, I've got to say, living on airline food and food at official banquets offended every rule of life I adhere to on this front. And in my first month of the job, my weight dropped by about a quarter of a stone - whatever that is in kilos. And it was such an inherently unhealthy lifestyle - living on planes, subsisting on that cuisine - I thought it would have knocked about two years off my life.

SARAH FERGUSON: You talk obsessively about food. You also complain about which class you're flying in airlines. Are you a prima donna?

BOB CARR: Um, I remember once flying from Sydney to the Gulf, to Dubai, and then with an hour's break, on to Cairo, and having to have a meeting with President Morsi, with the Foreign Minister, with the Secretary-General of the Arab League, and I got to tell you, Sarah, having been upgraded to first-class was a great advantage. I make no apologies whatsoever for wanting to arrive on these missions for Australia in the best condition possible.

SARAH FERGUSON: People are going to make a lot out of those remarks though, aren't they?

BOB CARR: Faced with a choice, having to get off a plane and go straight to a meeting with the French Foreign Minister in Paris, I tell you what, I'd prefer first-class any time.

SARAH FERGUSON: Let's just go back to some of the big foreign policy issues that you talk about throughout the book. You're very critical of US wars in Afghanistan and Iraq. We've just had elections in Afghanistan, quite successful ones with a high turnout, despite a very sustained campaign by the Taliban in the lead up. You said this: "After 12 years of war, it's been a waste. Huge armies mobilise the largest coalition in history for nothing." Is that view too bleak, do you think?

BOB CARR: One very candid Australian said to me, "If I'd been given a few buckets of money, I could have gone up there to Uruzgan Province and achieved everything we achieved by military endeavour with bribes of local chieftains." That might be too brutal and he might have spoken with exaggeration for effect, but I suspect there's an element of truth.

SARAH FERGUSON: On Iraq, again, hugely critical of that war, you say that Donald Rumsfeld amongst others should be put on trial. Are you seriously talking about a war crimes trial for US officials?

BOB CARR: No, that's a rhetorical point. But I cannot believe the suffering, the dislocation. Four million refugees, for example, a cost of trillions to the US, a weakened US, strengthened enemies of America, like Al-Qaeda in Iraq, as a result of this flight of fancy that took America into that war, with Australia shamefully at its side, yelping like a pet poodle.

SARAH FERGUSON: You replaced the Mandarin-speaking diplomat Kevin Rudd as Foreign Minister. Was he a good Foreign minister?

BOB CARR: I believe Kevin Rudd was good. I noticed with some amusement people who had tough experiences with him, including a Japanese deputy prime minister who was almost crouching in his chair during my meeting with him. I asked our ambassador later why even by Japanese standards there was this reserve or shyness and he said that when he was last in Australia meeting an Australian Foreign minister, he'd been really taken to task by Kevin on the issue of whaling. I thought that was a comment on Kevin's forcefulness.

SARAH FERGUSON: Now, your period as Foreign minister was set against terrible, uniquely awful in-fighting in the party. What was it about Julia Gillard's leadership in the end that finally convinced you to switch support to Kevin Rudd?

BOB CARR: We all wanted Julia to work. But by the time we decided, in our wisdom as a cabinet, to go to war with the newspapers, I thought, "The very viability of social democracy in Australia of a viable Australian Labor Party is now at stake." So with some reluctance and with respect for her, but real doubts about her political judgment, I moved into the Rudd camp.

SARAH FERGUSON: You're also scathing about her voice. Was that really important?

BOB CARR: No, no. I said - I made gentle humour and she was comfortable with it from time to time. I think I made gentle humour once or twice about what she'd joke about: her distinctive, broad Australian accent.

SARAH FERGUSON: But actually you do think those things are important. You - and I'm not being superficial about the ties - you think how you look is important, you talk about your own voice. Did you think that her voice and the way she communicated was a big part of the problem?

BOB CARR: I thought a lot of the time she was very good. And I couldn't understand the level of hostility that she ended up attracting, but you couldn't ignore that. Minority status diminishes any government and then a campaign by Rudd to get back. Jacobean revenge drama, knives flashing, blood flowing, and for all of us in the Labor Party, it's a relief to get beyond it. I wish both of them well.

SARAH FERGUSON: You also said she was selfish - just to stay with her for a moment - not to hand over the leadership. That was - that's a pretty subjective judgment. She was still the elected leader.

BOB CARR: Yeah, that was at the last moment; that was before the final leadership challenge and I thought - I thought, "If someone had presented me with figures, polling figures about state government in NSW that said, "You're now a significant barrier to the Government's re-election," I would have said, "Look, fine. Fine. I've done my best. It ain't working. I'll pull out, and, apart from anything else, I won't be the one

indicted with the responsibility on the Sunday after election."
SARAH FERGUSON: There's a rueful tone when you talk about your own - the chance that you may have had to be leader yourself. How much do you regret having not seized those opportunities?
BOB CARR: I don't regret it. I think it was very difficult times. But as - I think they were very difficult times for anyone. But as someone who headed a state government, I naturally found myself thinking that if I'd been Prime Minister, for example, we would have gone straight to a carbon trading scheme and not lingered with the set price, the tax. We wouldn't have retreated from John Howard's offshore processing, or if we had, we would have returned to something like it pretty quickly. That fight with the newspapers. By my fiscal conservatism, a too-grand recovery package. But on the other hand, I got to say, the Rudd Government saved the country from the GFC and rebuilt the school system of the country. Now they're proud Labor achievements. I my conservative instincts might have been wrong.
SARAH FERGUSON: One very specific question for you is for the leader of this state. We're now witnessing the twin horror shows of ICAC going again to Eddie Obeid and a Royal commission into union corruption starting today. What is it about the ALP in NSW that allows people like Eddie Obeid and union officials, corrupt ones, to flourish?
BOB CARR: Yeah, I think the NSW party, once a grand political force, has got to have a real debate about this.
SARAH FERGUSON: What does that mean, a debate? It's more like cleaning out the Augean stables, isn't it?
BOB CARR: That goes without saying, but Obeid's entree was based on a mix of fundraising and mateship ethos gone to seed. I'm not saying it was a proud episode in Labor's history and the stables have got to be hosed out with one of those industrial standard fire hoses and that's a big challenge.
SARAH FERGUSON: Do you think that Australians will forgive you for presenting yourself as a dandy who thinks a lot about which tie he's going to wear?
BOB CARR: Yeah, I think self-parody and irony is the stuff of life and I wanted the book to have that flavour. The flavour's - the flavour's me.
SARAH FERGUSON: It's irony.
BOB CARR: And fun, a sense of fun. Life is too short to be taken seriously.
SARAH FERGUSON: Bob Carr, thank you very much for joining us.
BOB CARR: Thank you.
http://www.abc.net.au/news/2014-04-09/bob-carr-frustrated-by-israeli-lobby-and-lack-of/5379388

****

Carr's comment calculated to sell books

Tony Jones Lateline | 9 April 2014

Mark Leibler, National Chairman of the Australia-Israel and Jewish Affairs Council, discusses Bob Carr's statement that the pro Israel lobby in Melbourne had an unhealthy influence on the office of Julia Gillard during her time as Prime Minister and says it is a figment of Carr's imagination.

TONY JONES, PRESENTER: Joining us from our Melbourne studio is national chairman of the Australia-Israel and Jewish Affairs Council, Mark Leibler.
Thanks for being there.
MARK LEIBLER, AUSTRALIA-ISRAEL & JEWISH AFFAIRS COUNCIL: My pleasure, Tony.
TONY JONES: Now, first can I get your initial response to Bob Carr's accusations that your Melbourne Israeli lobby, as he calls it, enjoyed extraordinary influence over Julia Gillard as Prime Minister and this had very unhealthy policy implications?
MARK LEIBLER: I think Bob doesn't miss a trick. I mean, if anything's calculated to sell books. Just unpick for a moment what he's saying. He's talking about the Jewish lobby, he's talking about a difference of opinion between him and the Prime Minister. Why can't they have a difference of opinion on a matter related to Israeli policy? No, if there's a difference of opinion, the Prime Minister has to be controlled or influenced by someone. So the Prime Minister has to be wrong 'cause she's controlled by the Jewish lobby. How does the Jewish lobby control the Prime Minister? Through donations to the ALP and sending people to Israel. I mean, give me a break. I mean, would anyone sort of seriously accept that? I mean, I'm very flattered.
By the way, the Jewish lobby he's referring to is the Australia-Israel and Jewish Affairs Council. He's referred to it in The Australian newspaper, so he's referring to me directly. But, you know, as flattered as I am, this is really a figment of his imagination. I mean, Julia Gillard is an independent-thinking woman. She can come to her own conclusions without being influenced by the Jewish lobby and I suppose the Jewish lobby, according to Bob, is also - has Bob Carr - sorry, has the current Prime Minister, Tony Abbott, under its influence. After all, he's adopted a very pro-Israel attitude.
TONY JONES: Let's go back - well, that's the - you're setting out your case there and I'll let you do that. Let's go through some of the details.
MARK LEIBLER: OK.
TONY JONES: Let me ask you a very simple question: did you have direct access to Julia Gillard when she was Prime Minister and were you able to express serious concerns to her directly about policy over Israel?
MARK LEIBLER: We had - I had opportunities to talk to the Prime Minister on - not only about Israel - I had more contact with her about indigenous issues than I did in relation to Israel. She very quickly formed her own view and I didn't see that there was any need for me to intervene.
TONY JONES: OK, but I guess what you're saying is on a reasonably regular basis you were able to talk to her about concerns that you had, is that correct?
MARK LEIBLER: If I wanted to raise concerns, I would have been able to raise them with her, as I was able to raise them with Kevin Rudd, with John Howard, with Paul Keating, with Bob Hawke and even with Malcolm Fraser. No different.
TONY JONES: So what you're saying is you get a fair bit of access to prime ministers and have had for a long time, but ...
MARK LEIBLER: Yes.

TONY JONES: ... you're arguing there's nothing sinister about that?
MARK LEIBLER: Absolutely. By the way, I'm not unique in that respect. I mean, there are many other people who have far greater access to prime ministers, present and past, than I do, but that's part of a democracy.
TONY JONES: No doubt. But your role as a lobbyist is well-known, so well-known that the Israeli newspaper, Haaretz, described you recently as a key fundraiser for the lobby and the man who maintained close relations with prime ministers, both in Australia and Israel, over many years. Do you see yourself as a kind of go-between between the Israeli Government and Australian prime ministers?
MARK LEIBLER: Absolutely not. I mean, there are excellent relations between the Prime Minister of Australia, both the current one and the former one, and the Prime Minister of Israel. They don't need any intermediaries.
TONY JONES: Yeah. I guess no-one here is saying there's anything to be ashamed of, but the problem only arises when the former Foreign minister claims that the influence of the lobby was very unhealthy. And that he ...
MARK LEIBLER: Well, let me - Tony ...
TONY JONES: Well let me finish the point though.
MARK LEIBLER: OK.
TONY JONES: He says he had to resist it and he says his story tells the book of that resistance. Were you aware that he'd set himself to resist your influence?
MARK LEIBLER: Um, I knew there were differences of opinion between him and the Prime Minister, but let me tell you this: back in April, 2013, at my invitation, Bob Carr came to my office at a breakfast meeting with 40 to 50 Jewish leaders. It was a very respectful meeting. I introduced him, I praised him for all the wonderful things that he'd done, but also articulated various areas where we had a difference of view. At the end of that meeting - and by the way, there are witnesses to this - in front of a number of people, he came up to me and he said to me, "Mark, you really know how to do it well. Very, very well done." And I've never heard a word of criticism from him until his recent - since that occasion, since that - until that recent article.
TONY JONES: Well, when you actually get to read the book, what you'll find out is that he recalls not only that breakfast meeting, but the meeting in the - a private meeting in the boardroom of Arnold Bloch Leibler, which you chaired before that breakfast meeting - in other words, the day before - in which he says you addressed him with a "how-dare-you" tone - this is how he puts it - a "how-dare-you" tone over these issues, particularly the issue of whether there should be enhanced Palestinian representation in the United Nations.
MARK LEIBLER: Well, that is - unfortunately, that doesn't - that just didn't happen. I mean, the meeting took place, and I must say, we had our differences of opinion, but the main purpose of the meeting was for me to get across the message to him that we were no right-wing extremists, that our views were identical to all mainstream Jewish organisations, and that as far as the settlements are concerned, there were legitimate differences within the Jewish community and within Israel in relation to settlements being an obstacle to peace. But what - if I can put it in a nutshell, what all of the Jewish community organisations objected to was a single-minded focus on settlements, as if, you know, stopping settlement activity would suddenly lead to peace, overlooking the fact that Hamas was lobbing rockets into Israel at the time, that - I can go through a whole series of things, but - it's complicated.
TONY JONES: Sure. But let me just take you back to this meeting, 'cause what he focuses here is, as I said before, what he described as your "how-dare-you" tone, as in, as he puts it, "How dare you consider voting to allow the Palestinians to have greater representation or enhanced representation at the United Nations." Now, I suppose what he's saying is that there are two different Mark Leiblers - there's the one behind the scenes and then there's the public one at that breakfast meeting with a more conciliatory tone which he obviously appreciated.
MARK LEIBLER: Well, all I can say is that his recollection of that meeting does not accord with my recollection of that meeting. Yes, by the way, it was a heated discussion, but I wasn't hectoring him and I wasn't lecturing him, but I was explaining very clearly where we differed and where we agreed and that set the basis and led to the tone of what was, I think, a very successful meeting. He was delighted with it and very pleased with it.
TONY JONES: Yeah, sure. I guess it's the behind-the-scenes and in public discrepancy that he's writing about in the diary because he came away from the first meeting and he writes, "Why can't he" - this is you - "and his lobby understand that their aggressive take-no-prisoners approach does their cause immense harm?" Do you think you might have misjudged this event yourself, this meeting?
MARK LEIBLER: No, because I think the breakfast the next morning would have been quite a disaster if he hadn't understood where we were coming from. I mean, he was under the impression, as you say, that we were a collection of extremists, take-no-prisoners - that's not our attitude, it's never been our attitude and it's never been reflected in our dealings with successive prime ministers or Foreign ministers, with the possible exception of him. Yeah, we've had disagreements and that's how a democracy functions.
TONY JONES: Sure. Do you think - let's put it this way: do you think you have considerably more influence over Australian prime ministers than, say, for example, Palestinian representatives?
MARK LEIBLER: I really don't know. They don't take me to their meetings.
TONY JONES: (Laughs) No, I don't imagine they do. Bob Carr has also - on the settlements question, Bob Carr has also written that there's a file in the office of the Prime Minister, the Israeli Prime Minister, sitting there, I suppose, since 1967 when he says is was written by Israel's top authority on international law, which unequivocally states that the civilian settlement in the administered territories contravenes explicit provisions of the Fourth Geneva Convention. Do you agree that this is the case, that this file exists?
MARK LEIBLER: No, no, no. I don't - oh, that the file exists? Yes. But the real problem is that when Bob quoted from the file, he quoted from the covering letter; he didn't bother going into the report, which

express a far more complex view. It's not as simple as he suggested.

TONY JONES: He, however, says that on this particular issue about the settlements, Theodore Mellon, who was a Holocaust survivor, you know him well, he became one of the world's leading authorities on the laws of war and eventually a judge in the Yugoslavian war crimes and he says that unequivocally the settlements contravene the Geneva Conventions.

MARK LEIBLER: You know what, there's a variety of views in relation to this. Whoever Bob Carr quotes is one view, but one can put up a whole collection of other very notable, very renowned people who have a different view. I don't think you solve a problem - you know, let me tell you something: the Canadian Prime Minister - Canada is one of the closest friends of Israel. Stephen Harper, the Canadian Prime Minister, came to Israel, he spoke at the Knesset, at the Parliament there. He got a standing ovation, notwithstanding, by the way, that on his foreign affairs site there is a reference there to settlements being illegal, being contrary to international law. And when he was asked about that, he said, "You know what? I came to Israel in order to praise Israel, in order to express my friendship for Israel. You've got almost everyone else throughout the world who are doing a very good job of Israel-bashing." That was his response.

And by the way, if you look at Bill Shorten's speech to the Zionist Federation - and I was there - he didn't say anything which was contrary to ALP policy. He said, "Israel, you should, in effect dismantle those settlements which you regard as illegal." As far as the settlements generally are concerned, he didn't reference their legality or illegality. All he said was, "This is something which will have to be settled when we have the final negotiations and discussions."

TONY JONES: OK.

MARK LEIBLER: To talk constantly about all settlements being illegal is to pre-empt a settlement. Doesn't make sense, unless you want to avoid a settlement.

TONY JONES: Alright. Can we just go back to Bob Carr's case that he makes and particularly to that question of the Palestinian representation in the United Nations. I presume you did lobby against them being given that enhanced representation.

MARK LEIBLER: Yeah, yeah, we conveyed our views to both the Prime Minister and to the Foreign Minister.

TONY JONES: Yeah. And so, what I'm asking here is did you feel in any way distressed or even responsible for the situation that unfolded where the cabinet actually overturned Julia Gillard's position on this, a position which aligned to your advice to her?

MARK LEIBLER: The only - first of all, she came to her own conclusions without the need for any advice from us, and second of all, the person who brought that about with some pride is Bob Carr. He's the person who brought it about.

TONY JONES: Sure. OK, so ...

MARK LEIBLER: And he seems - and he seems to be very proud of it.

TONY JONES: Well he's certainly written about it and ...

MARK LEIBLER: Yep.

TONY JONES: ... it's a high point of his book. Finally the new Foreign minister, Julie Bishop, suggested earlier this year in Israel that perhaps these settlements are not illegal after all and I'm just wondering did that somehow correlate to your advice to her?

MARK LEIBLER: No. Look, do you know what, in all fairness, Foreign ministers and prime ministers are capable of reaching their own conclusions in relations to matters of policy without taking advice from me. And by the way, she didn't need to take advice from me. And by the way, she wasn't saying that the settlements were illegal or legal, she was saying that as far as she's concerned, as I understand it, the matter hadn't been resolved, which, by the way, is fair comment. It's a hotly-contested issue.

TONY JONES: Well, she doesn't seem to be quite so keen on saying that at the moment. She seems to be going back on what she said to the newspaper and recasting that in some way. Do you think that caused her some problems?

MARK LEIBLER: I don't think so. I don't think so.

TONY JONES: Why would she recast it then? Because the newspaper is saying one thing, she's saying something else.

MARK LEIBLER: Well, can I say something? I mean, politicians don't have to express themselves on different occasions with precisely the same words. Australia's policy I think is reasonably clear. And you know what its policy is? Its policy is: these are matters which have to be settled by the parties in direct negotiations. By raising them, by other countries raising them and taking stands on them, we pre-empt and we make those negotiations more difficult.

TONY JONES: Mark Leibler, just finally, to make the final point, it's a pretty obvious one, really: I suppose what you're saying to Bob Carr is that you will continue to speak when you can to prime ministers and Foreign ministers and proffer advice from this lobby that he describes.

MARK LEIBLER: Well, I would hope that that's how things are supposed to function in a democracy. I mean, there are other places where when you express your views or try to lobby, you end up in jail or you end up being shot. This is part of the hallmark of Australia's wonderful democracy and it's something that everyone can participate in.

TONY JONES: And just to finish the point, do you think you will get the same access or even more to the Tony Abbott Government that you got with the Julia Gillard Government?

MARK LEIBLER: Well, when we've got an issue which is a serious one which needs to be raised, we haven't had a problem in getting access to either ALP or Liberal prime ministers or Foreign ministers and so it should be. By the way, we're not the only ones. Basically, any representative of a community organisation, if they've got something serious to raise, they'll get the access that they need.

TONY JONES: Mark Leibler, we'll have to leave you there. Thank you very much for coming to join us live on the program tonight.

MARK LEIBLER: My pleasure.

http://www.abc.net.au/news/2014-04-09/carrs-comment-calculated-to-sell-books/5379512

****

Bob Carr's texts to Gillard reveal 'extraordinary' influence pro-Israel lobby had on former PM

Jonathan Swan, Published: April 10, 2014 - 9:00AM

Bob Carr has published private text messages between himself and Julia Gillard to reveal the "extraordinary" level of influence the pro-Israel lobby had on the former prime minister's office.

In a remarkable disclosure of private conversations, Mr Carr said he chose to publish the text messages in his book – *Diary of a Foreign Minister* – without getting Ms Gillard's permission, because to do so was in the national interest.

He also describes Israel's former ambassador as "cunning" and reveals his fights with the self-described pro-Israel "falafel faction" in Labor's caucus that includes Jewish MPs Mark Dreyfus and Michael Danby.

"The book would not have been truthful with this disagreement between a prime minister and her foreign minister edited out," Mr Carr told Fairfax Media, explaining his decision to publish Ms Gillard's private text messages without consent, despite asking other officials for permission to publish correspondence.

"The public should know how foreign policy gets made, especially when it appears the prime minister is being heavily lobbied by one interest group with a stake in Middle East policy."

Mr Danby has hit back at the former premier, accusing Mr Carr of bigotry over his claims of the influence of a pro-Israel lobby. ''No lobby in Australia, I understand, has that kind of influence. It's laughable,'' he told ABC radio on Thursday. ''But I suppose in the current climate, as George Brandis says, it's ok to be a bigot.''

The Jewish MP, who is chairman of the Friends of Israel, also accused Mr Carr of showing ingratitude to the Labor Party.

''In retrospect, given all the division he caused . . . it was a mistake,'' Mr Danby told ABC Radio on Thursday.

''Here's a bloke plucked from obscurity. . . a former provincial premier who dumps on Gillard and the former Labor government . . . the Labor Party supported him all his political life, how about a bit of decency?''

Mr Danby also likened Mr Carr to Jack Nicholson's character in the film *As Good as it Gets*.

''A lot of people are laughing at the book, they're not laughing with you Bob, they're laughing at you,'' Mr Danby said.

On Thursday Mr Carr said Mr Danby's comments were ''extraordinary. For years I was president of Labor Friends of Israel. I wrote a book, *My Reading Life*, in which I recommend the book of an Auschwitz survivor as the most important book of the last 100 years,'' he told ABC radio. ''My only point about Israel was that settlement activity ought to stop and that the Palestinian status, the increased status in the General Assembly, ought to be not blocked by Australia. So that's a position that the foreign minister of every European country would endorse and indeed doesn't fall too much short of the foreign policy position of John Kerry.''

During his 18 months as foreign minister, Mr Carr orchestrated a significant shift in the Australian government's Middle East policy, swinging support behind Palestine at the United Nations. Standing up to then prime minister Gillard, who was staunchly pro-Israel, Mr Carr succeeded in forcing her to abandon her determination to oppose Palestine's attempts to gain observer status at the UN. Ms Gillard's leadership wobbled in the process.

Mr Carr's pro-Palestinian advocacy alienated many in Australia's Jewish community, and some within his own party; and the publishing of his personal diaries is likely to inflame both the Australian Israel lobby and senior Israeli officials.

Mr Carr's criticisms of Israel touch the highest levels of the Israeli government. Mr Carr describes Foreign Minister Avigdor Lieberman as "gloomy, taciturn", and the former Israeli ambassador Yuval Rotem as "the cunning Yuval".

In diary entries Mr Carr reveals just how deep his division with Ms Gillard went. He complains that Ms Gillard would not even let him criticise Israeli West Bank settlements due to her fear it would anger Australia's pro-Israel lobby – a reference to the Melbourne-based Australia/Israel & Jewish Affairs Council – which Mr Carr says had a direct line into the prime minister's office.

"So, we can't even 'express concern' without complaint," Mr Carr writes. "This lobby must fight every inch."

Reproducing private text messages, Mr Carr suggests Ms Gillard's support of Israel was so immovable that she would not even allow him to change Australia's vote on what he considered to be a minor UN motion.

"Julia – motion on Lebanon oil spill raises no Palestinian or Israel security issues. In that context I gave my commitment to Lebanon," Mr Carr writes in a text message.

"No reason has been given to me to change," Ms Gillard reportedly replies.

"Julia – not so simple," Mr Carr responds. "I as Foreign Minister gave my word. I was entitled to because it had nothing to do with Palestinian status or security of Israel."

Ms Gillard shuts him down in a final terse message: "Bob… my jurisdiction on UN resolutions isn't confined to ones on Palestine and Israel."

http://www.smh.com.au/federal-politics/political-news/bob-carrs-texts-to-gillard-reveal--extraordinary-influence-proisrael-lobby-had-on-former-pm-20140410-36dys.html

****

The Book Salesman

April 10, 2014 by J-Wire Staff

The president of The Executive Council of Australian Jewry has said that former Foreign Minister Bob Carr's comments on a Jewish lobby "help to sell books but bear no relationship to reality".

Responding to former foreign Minister Carr's claims that "the Israel lobby in Melbourne" exercised "extraordinary influence at an unhealthy level", the President of the ECAJ, Robert Goot, said: "These claims

border on conspiracy theories which make for salacious gossip and help to sell books but bear no relationship to reality."

"Bob Carr's suggestion that there has been anything untoward in the way Jewish community organisations have conducted their advocacy, as we do openly in a democracy like many other organisations including Palestinian advocacy groups, is as bizarre as it is misconceived. On the two occasions

Robert Goot

when the ECAJ met with Bob Carr while he was Foreign Minister, he expressed no such concerns.

Julia Gillard and other political leaders are well informed and have strong personal views about what is in Australia's best interests, which explain their passionate support for Israel. It is ludicrous and insulting to them to suggest that they can be manipulated or bought.

Former Foreign Minister Senator Bob Carr

Further his statement that recent settlement construction was "on land that everyone regards as part of a future Palestinian State" is simply wrong. On the contrary it is overwhelmingly accepted that the recent construction has been within existing settlement blocks that will form part of Israel and be subject to land swaps in any final resolution of the conflict."

http://www.jwire.com.au/news/thebooksalesman/41864#more-41864

****

Falafel factions, Likudniks and Bob Carr: inside the battle for Israeli influence

CHIP LE GRAND, JOHN FERGUSON AND TROY BRAMSTON,
THE AUSTRALIAN, APRIL 11, 2014 12:00AM

ACCORDING to Bob Carr, this was the falafel faction laid bare. Mark Dreyfus, with an "umbilical attachment'' to the cause of Israel. Stephen Conroy, disturbed at the turn of events, signalling to ally Bill Shorten to join the fray, "as if he was in a Kingsville branch meeting itching to do in the local lefties''. Julia Gillard, prime minister, determined to vote no, putting Australia "in lock-step with the Likud''.

Michael Danby. *Source:* News Limited

Bob Carr was in Sydney. Picture: Bradley Hunter *Source:* News Corp Australia

Was this high-level evidence of the Melbourne Jewish lobby unduly shaping Australian foreign policy or worse — "subcontracting out foreign policy to party donors?''

Or was it something less sinister; a robust debate over one of history's most fraught questions: how best to advance peace in the Middle East?

Mark Leibler. *Source:* News Corp Australia

Albert Dadon. *Source:* News Limited

Albert Dadon is a Melbourne Jewish lobbyist. He has sought to influence Australian prime ministers and cabinet ministers on both sides of politics. He counts Kevin Rudd as a friend and Tony Abbott as well. He briefly came to prominence for giving a job to Tim Mathieson, Gillard's partner. For all these things he is unapologetic. And for Carr, he has polite yet powerful scorn. "What he is trying to do is limit the rights of any members of the Jewish community to have any influence on the political process,'' Dadon told *The Australian* from France. "We have no apology to make to Mr Carr or to anyone for being part of the fabric of this society where we have a voice and influence in public debate. Everyone from car companies to cigarette companies to anything is trying to have some sort of influence and input in government. So why should we apologise for having a certain outcome by government?

"There are no apologies to be made and the fact he is singling us out with a finger is reminiscent of a certain era when Jews were limited in having a voice in political debate. On that side, I am very uncomfortable with what Mr Carr is saying.''

Dadon says there is a pluralism of views within the Australian Jewish community and Israeli politics about Palestine. There is even disagreement about Carr. Where Danny Lamm, the president of Zionist Federation of Australia, believes Carr demonstrated anti-Israel views by agreeing to personally award the 2003 Sydney Peace Prize to Palestinian activist Hanan Ashrawi, Dadon supported that decision as encouraging moderate Palestinians to shape their future nation.

Yet as Carr's reflections from *Diary of a Foreign Minister* gain circulation, there is near uniform condemnation of his accusation, repeatedly put throughout the book, that a particularly conservative Melbourne Jewish lobby had excessive influence over Gillard and "Likudniks'' — named after Israel's ruling centre-right Likud party — in her office, and the ALP Victorian Right faction led by Shorten and Conroy.

Most observers have interpreted Carr's claims as aimed at the Australia-Israel and Jewish Affairs Council, which publishes the *Australia Israel Review,* and AIJAC chairman, Mark Leibler.

"He's referring to me directly,'' Mr Leibler told the ABC's Lateline. "But, you know, as flattered as I am, this is really a figment of his imagination.''

In a statement released yesterday, AIJAC said Carr's comments were sad and

bizarre. "Mr Carr's spurious allegations that the lobby held 'extraordinary' and 'unhealthy' sway over the views of former prime minister Julia Gillard and her office shows her a distinct lack of respect,'' it read.

"Ms Gillard was an independent-thinking prime minister who is fully capable of coming to her own conclusions about optimum Australian foreign policies, as is Mr Carr.

"The fact that some of her conclusions on promoting Israeli-Palestinian reconciliation were different from Carr's is no more evidence that she was under the influence of 'unhealthy' pro-Israeli lobbying than Carr's views are evidence that he is under the 'sway' of Australia's several pro-Palestinian lobby groups."

The same point was made by Robert Goot, the president of the Executive Council of Australian Jewry. "These claims border on conspiracy theories which make for salacious gossip and help to sell books, but bear no relationship to reality,'' he said.

"Bob Carr's suggestion that there has been anything untoward in the way Jewish community organisations have conducted their advocacy, as we do openly in a democracy like many other organisations, including Palestinian advocacy groups, is as bizarre as it is misconceived.''

Yet just as all sides in the Middle East debate attempt to influence government policy, there is no doubt that the Jewish lobby is able and prepared to employ resources and means that other groups cannot.

Carr estimates that about 20c of every dollar donated to the ALP comes from Jewish groups. AIJAC and Dadon's Australia Israel Leadership Forum regularly fly politicians and journalists to Israel to better understand its strategic fragilities from the ground. When then opposition leader Tony Abbott was hit by a defamation suit by CFMEU boss John Setka, he received pro-bono legal advice from the normally high-priced firm Arnold Bloch Leibler. Leibler is a partner in the firm.

Lamm and other Jewish leaders dismiss the notion of a Melbourne-Sydney divide in Australia's approach to Israel. Yet within the ALP, attitudes towards Israel and Palestine can be charted according to factional and state lines.

A senior Victorian Right source explained that in NSW, the political relationship with the Jewish community was limited by the perception there were few votes in it for Labor. This is because the Liberal Party has cornered the Jewish vote in safe inner-Sydney seats while, in the western suburbs, Labor's priority is the fast-growing Islamic vote.

In Melbourne, the influx of Jewish migrants immediately before and after the Holocaust meant the interests of the community could not be ignored. The Melbourne Ports electorate, in inner Melbourne, is per capita one of the world's most Jewish areas outside the Middle East or Europe. It is held by Labor's Michael Danby, a member of Carr's so-called falafel faction.

Carr says the position he pushed on Palestine as foreign minister had nothing to do with "some crude pursuit of votes from ethnic communities''. Danby, who is Jewish and a strong supporter of Israel, agrees. He believes Carr's views are less representative of political miscalculations than anti-Israel bigotry. "No lobby in Australia, I understand, has that kind of influence. It's laughable,'' he said yesterday.

In an account remarkable for it colourful turn of phrase and fragrant breach of confidences, Carr's Diary of a Foreign Minister recalls how these divisions played out in November 2012, when the Australian government was confronted with how to vote on a UN resolution to elevate Palestine to observer state status.

Carr was frustrated and gloomy. Although he was foreign minister, he had little say on Israel policy — at least not publicly — with all official utterances vetted by Gillard's foreign policy adviser Richard Maude, her staffer Bruce Wolpe and cabinet secretary Mark Dreyfus. Wolpe, who remains Gillard's spokesman, and Dreyfus, who holds the outer-Melbourne seat of Isaacs, are Jewish. Carr was overruled on issuing a statement on "condemning" Israeli settlements in East Jerusalem and Gillard rejected his idea of supporting an Egyptian proposal for a nuclear-free Middle East. And she was steadfast in rejecting Carr's plea not to oppose the UN motion on Palestine status. Carr, having been NSW premier for a decade, opposition leader for seven years prior and schooled in the winner-take-all Tammany Hall-style NSW Right political machine, did what he had done all his life: the numbers. He decided to roll the prime minister. The culmination of the campaign came in the cabinet room on November 26, 2012. The day before, Conroy had told Carr, sitting next to him in the Senate, that his position on Palestine was "monstrous, a betrayal, a deceit". There was talk of binding the national Right faction behind Gillard's position. "I think you might find the NSW Right takes a different view," Carr told Conroy.

Gillard opened the discussion in cabinet on Palestine observer status and asked Carr to "give an account of the pros and cons of the options", he wrote in his diary. Gillard then asked for comments. One by one, ministers launched into Gillard and opposed her position. Nine in all spoke against Gillard.

It became a showdown between the Victorian Labor Right — critical to Gillard's hold on the prime ministership — and the NSW Labor Right. These two groupings had rarely seen eye to eye, but on this occasion the NSW Right was joined by the Left's Anthony Albanese, Martin Ferguson and Mark Butler, and the Right's Simon Crean and Craig Emerson, the latter a staunch Gillard loyalist. "Moments like this — moments of clarity and outspokenness — make it possible to love the party," Carr confided to his diary.

Only Shorten and Conroy spoke in support of Gillard.

The next morning, Carr woke just before dawn. As the Labor caucus swelled with speculation a vote against Gillard could precipitate a leadership crisis, they met in her office. He told her she faced defeat in caucus unless she supported the motion to abstain on the UN vote. "I saw fear dance in her

eyes," Carr wrote. Gillard relented, knowing he had arrayed the numbers against her, and backed a caucus motion to abstain the UN vote.
Whatever the influence of the Melbourne Jewish lobby, or any other on caucus at the time, the falafel faction folded.

http://www.theaustralian.com.au/nationalaffairs/policy/falafel-factions-likudniks-and-bob-carr-insidethebattleforisraeliinfluence/storyfn59nm2j1226880446699?utm_source=The%20Australian&utm_medium=email&utm_campaign=editorial&net_sub_uid=331055777

****

Bob Carr's 'Israel lobby' claims inaccurate, bizarre

April 11, 2014, Mark Leibler

Bob Carr's interviews on Wednesday on the ABC's *7.30* and *Lateline,* spruiking the publication of his *The Diary of a Foreign Minister,* make various claims about what he refers to as the Melbourne "Israel lobby" exercising extraordinary influence over the office of prime minister Julia Gillard.
Referring to a meeting in April 2013, Carr says that I adopted a "how-dare-you" tone. For a former foreign minister to characterise a normal, cordial and frank exchange as potentially intimidatory is not only inaccurate but a little bizarre.
Strangely enough, he said nothing at the time or in the following months that would indicate that I had earned his displeasure. Perhaps Carr has a problem with anyone disagreeing with him: Such extraordinary thin skin has Carr. Such a delicate disposition from a man who sees himself as an energetic "gladiator" and describes himself as the "best chairman" he knows, is surprising.
Carr has now publicly criticised the approach of what he calls the "Israel lobby" in its dealings with government. At the breakfast that followed my April 2013 meeting with Carr, where I hosted more than 40 Jewish community leaders, Carr openly praised the manner and tone in which views were exchanged and described them as a model of effective engagement with government.
Carr now claims he was frustrated that he couldn't express his concern about Israeli settlements. Nevertheless, he managed to do so at every opportunity, loudly and clearly. What he is really upset about is that his view did not always prevail. The person he needed to convince was the prime minister. Much to his chagrin, the prime minister exercised independent judgment in relation to this as well as all other issues.
Were anyone to claim that Carr's excessive emphasis on settlements was due to anything other than his own independent judgment, he would be outraged, and rightly so. He would say, no doubt, that he is more than capable of making up his own mind. On what basis does he presume that the then prime minister had less capacity to exercise similar judgment?
Carr's claim that Australia/Israel & Jewish Affairs Council and the Jewish community take an extreme right-wing view on Israel is disingenuous. Carr knows that there are quite a range of different views in Israel and within the Australian Jewish community in relation to settlements. The vast majority of the Jewish community, including the AIJAC, support a negotiated two-state solution, as does Carr.
This is the position that has been shared by all Australian governments since the 1993 Oslo Accords. It has also been the position of all US and European Union governments. Thus Carr would also categorise all successive Australian, US and European Union governments over the past 21 years as "extreme right-wing".
What makes Carr the odd one out is his obsessive focus on settlements to the exclusion of everything else - settlements as the sole obstacle to peace. On this point, he is wrong and we make no apologies for saying so. The real obstacles to peace include the ongoing incitement to hatred of Israel, and the Palestinian refusal to accept Israel as a reality in the Middle East.
Carr, attending Holocaust remembrance commemorations and naming Primo Levi's book as the most important book of the past 100 years does not make you a supporter of Israel or the Jewish people. It makes you a human being.
Bob Carr is a very human, human being.
Bob Carr is not a bigot.
Bob Carr is not an anti-Semite.
Bob Carr is a prime minister that never was, making the best of a lost opportunity.
No doubt he will sell books.
Mark Leibler is National Chairman of the Australia/Israel & Jewish Affairs Council.
http://www.smh.com.au/comment/bob-carrs-israel-lobbyclaimsinaccuratebizarre20140410zqt5m.html#ixzz2yYk7T71w

****

Jewish leader eyes middle path on race act reform

PATRICIA KARVELAS, THE AUSTRALIAN, APRIL 15, 2014 12:00AM

Jewish community leader Mark Leibler, in his Melbourne office, says 'this is not black and white'. Picture: Aaron Francis *Source:* News Corp Australia

AUSTRALIAN Jewish community leader Mark Leibler - believes the "offence" provision of the Race Discrimination Act should be removed to allow the federal government to broaden the right to free speech while entrenching strong laws against racism.

Mr Leibler, a prominent lawyer who was accused of having too much lobbying influence over governments by former foreign minister Bob Carr in his new book, said yesterday the debate had wrongly created the impression that those pushing for free speech were "racists" and those against it were not prepared to be flexible.

"I am talking to George Brandis, I've got a great deal of respect for him. I think there is a possibility of working out a solution which will be a sensible compromise that will keep everyone reasonably satisfied," Mr Leibler said. "All I can say is those who want to make a change are not the devil and are not racist and they are not interested in promoting racism.

"It is a question of getting the balance right ... this is not black and white. It is not all right on the one side, and all wrong on the other side. My own view is that if all the government wants to remove the word 'offend', I think at the end of the day everyone could live with that."

Section 18C of the act makes it unlawful to offend, insult, - humiliate or intimidate on the grounds of race, colour or ethnicity. Under draft proposals, the government would replace 18C with provisions making it unlawful to vilify or intimidate others on similar grounds, but with broad exemptions, including the right to offend.

Many within the Jewish community are fiercely opposed to the proposed change, arguing that it would allow Holocaust revisionists to air their views without fear of reprisals. It is understood that many MPs in the Abbott government are also actively lobbying for the draft laws to be altered "significantly".

Victorian Liberal MP Jason Wood yesterday said the proposed exemptions were so broad they were unusable in court.

"The exemptions are broad and when it comes to prosecution, to get a prosecution with those exemptions I just couldn't see one being successful unless it goes through some amazing legal challenge in the High Court," Mr Wood said. "You want legislation to be fairly straight forward, and sadly that is one of the things I've seen in parliament over terrorism legislation and all those other things. By the time it hits the desk of the police, the laws are nearly impossible to use and I don't want to see that happen again."

The board of the National Congress of Australia's First Peoples, the peak indigenous group in the country, has called for all members of federal parliament to have a conscience vote on the Racial Discrimination Act changes.

The proposal by the Attorney-General to weaken the act is not consistent with the state's obligation to eliminate all forms of racial discrimination in Australia, the congress has said. "Congress is firmly opposed to any return to the racial intolerance and injustices against the Aboriginal and Torres Strait Islander peoples, which are forms of abuse and oppression that have routinely devastated and denied rights for our population over two centuries," it said in a statement. The congress said each parliamentarian had a moral responsibility "to eliminate racism in all its forms".

http://www.theaustralian.com.au/nationalaffairs/jewish-leader-eyes-middle-path-on-race-act-reform/story-fn59niix-1226884305264

****

Carr's reckless Israel view

COLIN RUBENSTEIN, THE AUSTRALIAN, APRIL 15, 2014 12:00AM

IN his interview on the ABC's 7.30 about his book Diary of a Foreign Minister, and in media yesterday, Bob Carr continues to makes various claims about what he refers to as the "Israel lobby" in Melbourne. From his comments, it is clear he is referring mainly to the Australia/Israel & Jewish Affairs Council.

In short, he says we wielded "extraordinary influence" over the Office of the Prime Minister when Julia Gillard was prime minister, and expressed an "extreme right-wing Israeli view".

Carr's reckless claims do him no credit. There is also a very active Palestinian lobby in Canberra, and it's notable that Carr's frankly excessive, misplaced emphasis on Israeli settlements mirrors the stance taken by George Browning, president of the Australia Palestine Advocacy Network, in these pages on April 9.

Yet if anyone was to claim that Carr's view was due to the unhealthy influence of the Palestinian lobby, he would undoubtedly be outraged. He would likely say that while he appreciated their input, he is quite capable of making up his own mind on the issues. He should extend the same respect to Gillard, who is no one's dupe.

We are lucky to live in a democracy where groups representing diverse interests can have access to members of government from the prime minister down, and that governments listen to the views of these groups in forming their positions.

Carr seems particularly piqued that he feels we went over his head in putting our position to the PM, but all MPs, and especially the PM, have a role in setting foreign policy so it is appropriate that groups with views communicate their message as widely as possible. Carr's claim that we take an extreme view on Israel is simply puzzling. AIJAC's goals in the Middle East are similar to his — a two-state resolution whereby an independent Palestinian state arises on the vast majority of the West Bank and Gaza augmented by equivalent land swaps from within Israel's 1967 borders in exchange for West Bank land Israel retains, while the Palestinians accept Israel's right to live in peace as a Jewish state. This is the position shared by all Australian governments, not to mention US administrations, since the Oslo Accords (and indeed successive Israeli governments). Yet, somehow, only we are "extremely conservative".

The real obstacles to progressing this peace include the ongoing incitement to hatred of Israel, involving glorification of anti-Israel terrorism and terrorists, across Palestinian society; Palestinian unwillingness to accept Israel as a Jewish homeland; the continued rejectionism of Hamas, which controls Gaza; and the Palestinian Authority's insistence on the so-called "return" to Israel, as opposed to the new Palestinian state, of millions of descendants of Palestinian refugees.

All of these factors are antithetical to a two-state resolution. The Palestinians use the settlement issue, not without frequent if misplaced Western encouragement, as a smokescreen to cover their recalcitrant positions.

So where we do differ from Carr is in his relative neglect of these formidable impediments to peace in contrast to his seeming obsession with the settlements, reinforcing the Palestinian narrative in his insistence that they are all illegal. Our position is that their legality is in dispute, that many international law experts question the applicability and interpretation of the Fourth Geneva Convention on this matter, and there is certainly no binding, authoritative legal determination of the issue.

Carr and Browning allege the settlements are the main obstacle to peace, and their continued growth as taking land earmarked for, and even pre-empting, a future Palestinian state. Their rhetoric cannot withstand scrutiny. With respect, they are wrong. For 10 years, Israel has forbidden all geographic expansion outside the established boundaries of existing settlements, and nearly all construction occurring during that time has been, and remains, within settlements it is universally agreed Israel will retain under any conceivable two-state outcome. And that also applies to the announced, routine approval for 700 apartments in Gilo last week, a Jerusalem suburb that all serious actors know falls in that category too.

The priority must be to facilitate a negotiated two-state resolution between the parties and blanket declarations, which foreclose flexibility in resolving major issues are totally unhelpful to that end.
Carr seems very proud that he rolled Gillard over her preference to vote against the recognition of Palestine as a state at the UN. The peace that both sides need will be achieved only by the parties negotiating in good faith.
Steps that convince the Palestinians that they can achieve their aims without such negotiations, such as UN recognition, or declarations from powerful outsiders that settlements are illegal or the main obstacle to peace, are therefore extremely unhelpful to the cause of peace. The fact that the current negotiations are in danger of collapsing due to the Palestinian refusal to compromise on any of the basic issues underlines this point.
Fortunately, in Julie Bishop, we now have a foreign minister with her government's unequivocal support who understands this, as Gillard did, although lacking her cabinet's support.
It's a great shame that Carr, who claims to be a friend to Israel, and Browning, who claims to be a friend of the Palestinians, do not, but merely reinforce a climate undermining the prospect of ongoing, successful negotiations.
Colin Rubenstein is executive director of the AIJAC.
http://www.theaustralian.com.au/nationalaffairs/opinion/carrsrecklessisraelview/storye6frgd0x1226884280499

****

Racial Discrimination Act changes will hit vulnerable: Adam Goodes

Damien Murphy, April 13, 2014

Australian of the Year and AFL star Adam Goodes has slammed the Abbott government's proposed changes to the Racial Discrimination Act, claiming they attacked the most vulnerable Australians.
The Sydney Swans veteran said the changes were unnecessary - ''I don't see that the system is broken'' - and thought the freedom of speech guaranteed in existing legislation would be removed by the mooted amendments.
As a White Ribbon Ambassador since 2009, Goodes had focused his attention on domestic violence against women but last month, when the Attorney-General, George Brandis, defended the right to be a bigot, he posted a few non-committal observations on Twitter.

Speaking out: Adam Goodes, who is a White Ribbon ambassador, opposes changes to the Racial Discrimination Act. *Photo: Brendan Esposito*

''There are great bits in RDA that [say] everyone has the right to the freedom of speech,'' Goodes said.
''Some wording is proposed to be taken out. This is clearly disappointing. Freedom of speech is clearly written into the RDA that we have. The fear now is for people who are in this country and are part of minorities and don't have the support that I've had - like refugees at their own workplace - who are facing this type of abuse,'' he said.
''What protections do those minorities have in the new RDA that is proposed? What system will be in place that can help them to say: 'You know what? I've got this Racial Discrimination Act act here, and I'm going to report you because what you're doing to me is wrong.'''
Goodes said the laws were there for people who did not have the support or the means to get themselves out of that situation without getting a higher authority to do something legally. Last May Goodes came to personify the state of racial vilification in Australia when he was called an ''ape'' by a 13-year-old girl during the match between Collingwood and the Swans at the MCG.
''Under the old legislation I still didn't charge her,'' Goodes said. ''I accepted her apology and that was it. That was my choice.'' Within days of the MCG insult, Collingwood president, and radio and television host Eddie McGuire likened the Brownlow medallist to King Kong during his breakfast radio program.
Goodes then revealed that he too had been damaged by domestic violence. Goodes was born in Adelaide in 1980, the eldest of three boys. His parents, Lisa May and Graham, separated when he was four. Graham moved to Queensland. Lisa May, a member of the Stolen Generation, kept the boys.
One night in 1992, fighting again broke out between his alcohol-affected stepfather and his mother, and the 12-year-old Goodes went to a phone box and dialled triple-0. The police came, the shouting stopped.
Goodes said his stepfather did not harm his mother physically but his constant emotional and verbal abuse hurt the whole family.
''It's so true that emotional violence and words can be damaging in other ways because it is constant,'' he said. ''There was no respite.''

Goodes said his stepfather thought neighbours had complained to police. But the turmoil inside the 12-year-old boy echoes down the years.
''I agreed to do this article because White Ribbon are a fantastic organisation and because of the domestic violence I'd seen growing up,'' he said. ''Seeing domestic violence is something you don't want other people - children - to go through and I think being in the position I am in now, I find it really important to keep raising awareness about the work that White Ribbon does and the role that us, as men, play in domestic violence, whether it be us being the perpetrators or us helping our friends and family members, having conversations with them when they get angry and not letting it get to the next step.''
http://www.smh.com.au/national/racial-discrimination-act-changes-will-hit-vulnerable-adam-goodes-20140412-36jzc.html

****

ABC TV - Friday Forum

Updated Sat 15 Mar 2014, 1:01am AEDT

Human Rights Commissioner, Tim Wilson, and, Jeremy Jones, from the Australia, Israel and Jewish Affairs Council join Ticky Fullerton to discuss the Government's plan to repeal provisions in the Racial Discrimination Act.

Ticky Fullerton; Source: Lateline | Duration: 17min 10sec;

TICKY FULLERTON: PRESENTER: The Federal Government is under growing pressure over its plans to repeal provisions in the Racial Discrimination Act.
On one side, from groups who fear that laws to protect vulnerable communities will disappear and on the other, from libertarians who are worried about a watering-down of the Coalition's election promises about free speech.
Section 18C of the Act makes it illegal to offend, insult, humiliate or intimidate another person or a group on the basis of their race, colour or national or ethnic origin.
To discuss why there's so much at stake I was joined a short time ago by the new Human Rights Commissioner Tim Wilson, formerly with the Institute of Public Affairs and by Jeremy Jones, from the Australia, Israel and Jewish Affairs Council.
Gentlemen, thank you for joining me.
Jeremy Jones, why is the Attorney-General wrong to look at appealing section 18C of the Racial Discrimination Act?
JEREMY JONES, AUSTRALIA/ISRAEL AND JEWISH AFFAIRS COUNCIL: Well, I think there's a basic principle. Whatever law you have it's always good to review it. You don't just say because I think it's law it always has to be the law. When we look at how it's operated over close to 18 years now, I think there's a very strong argument to say we have a law which has basically served the cause for which it was designed very well. It was a law that became about after a lot of investigation and inquiry and debate.
It was a compromise between a range of different positions which tried to bring a balance between the protection of victims of racism and other important values such as free speech and to revise the look to improve the law is great but if the law was to disappear completely I think there'd be a big hole in protections for vulnerable sections of the Australian community.
TICKY FULLERTON: Tim Wilson, on the other end of things is there any kind of free speech that you believe should be constrained by law?
TIM WILSON, HUMAN RIGHTS COMMISSIONER: Of course. We know full well that human rights come into conflict with other human rights including the human right of free speech. And we have that in lots of areas of law so it's not a debate about whether there are limitations on free speech. It's not even a debate about whether racism is socially acceptable. It's a debate about where the line of free speech should sit and what sort of conduct should be socially unacceptable versus where the law should stand and make it illegal and there always needs to be a gap between those two propositions when we're talking about speech, because when they're fused, as section 18C really does operate that way, you ultimately can't challenge the status quo.
TICKY FULLERTON: Well, let me take the issue of Holocaust denial. Now, Jeremy Jones we don't have a specific crime against Holocaust denial in Australia as I think there is in Germany. Has the Racial Discrimination Act been used successfully to prosecute people in this area?
JEREMY JONES: They're not prosecuted because of merely a thought, because of merely saying something which somebody find objectionable. It's behaviour which goes beyond a thought. There has been the case, the most notorious case in terms of publicity and known about was the case of Frederick Tobin a man in Adelaide who ran a web site at the time called the Adelaide Institute. Had was found after a complaint to have involved himself and indulged in a whole series of behaviours which brought him into conflict with 18C.
It brought him into conflict because what he was doing was he was saying that people have constructed conspiracy of sorts to make you believe something which is not in your interests, therefore you should have a certain attitude towards those people.
TICKY FULLERTON: And it was 18C that was used?
JEREMY JONES: 18C was used. I was the complainant in that case. I'm very familiar with that case, obviously.
TICKY FULLERTON: That was when you were the executive council of...
JEREMY JONES: Australian Jury, yes. In that capacity.
So we brought that case against Frederick Tobin because there had been quite a number of people who said we've tried to use logic, you've tried to ask somebody to restrain themselves in their behaviour, but until laws were available and until people could lodge complaints under the law, there didn't seem to be any way that this behaviour was going to be stopped in any way. There was no way an ordinary person would have the ability to know whether a person was doing something to be part of a public debate, putting information out there or part of an academic debate or indulging themselves in behaviour which was seen by the courts to be aimed at people because of their race ethnicity etc.
TICKY FULLERTON: So Tim Wilson do, you see Holocaust denial as a crime?**TIM WILSON:** Both Jeremy and I have a very similar view about Holocaust denial. We think that people who express those views have hate in their heart and the question isn't what you - whether they should be responded to. Of course they should be responded to. The question is how.
TICKY FULLERTON: Do you see it as a crime under the law?
TIM WILSON: I don't see it as being a justification for a crime, because in the end, if Dr Tobin or others decide to continue to express their hate, or if they don't and they're put into their corner, they don't disappear hand they don't change their views. And I actually have much more faith in the average Australian citizen that people do understand just how absurd ridiculous and preposterous some of those ideas are. People are able to assess the credibility of someone as discredited and irrelevant as that individual and the ideas they put out there. It doesn't need to be shut down with law. What we need is more speech and more reason to come out to challenge it.
TICKY FULLERTON: What about the is slippery slope argument? I see the Race Discrimination Commissioner, he fears abolishing 18C can licence racial hatred and may unleash a darker even violent side of our humanity which revels in the humiliation of the vulnerable. Isn't that a genuine fear?

TIM WILSON: People have legitimate concerns but the question is again how we're tackling racism in society and the question is to you use the law to try to limit what people can say or do you seek to respond to it by driving education and cultural change. When you have the law and the line of polite society or socially acceptable conduct at the same point it's always very difficult to do that particularly in a country like Australia.

We sit in a very unique position. In our constitution, we have a provision which actually allows the government, which I have to say I object to this provision very strongly, allowing the Federal Parliament to design laws specifically for people of different races which automatically brings it within the centre of Australian political discussion and debate.

We need to be able to fully debate that. We're acknowledging the fact that sometimes people will say things that are unpleasant that they should be responded to by all of them.

TICKY FULLERTON: Jeremy Jones, to you worry like the racial Discrimination Commissioner worries about the slippery slope?

JEREMY JONES: We have to look at the reality of the situation. For many years we did not have the law in place, for 18 years we have. Before the law came into place, there were inquiries and investigation business what was the best play in the Australian context to deal with a real identified problem of people who were taking away from the quality of life of other Australians, were humiliating people, were bringing into question their own selves and their own self-worth and their worries about other people and what people thought. After these investigations, after the inquiries, after extensive debate looking at not only what happened in Australia, but world best practice, the Australian Government adopted a set of laws which included not only 18C, which the provisions against racial hatred, but also 18 D which is a range of exemptions.

Since that time we've had a series of cases and when we look at the situation before the law came in, and since, you could say that the law has acted to do exactly what Tim is saying we need, which is providing the argument against those - the people who will otherwise not listen to reason, and I don't agree that you can automatically say that it's self-evident that somebody like a Holocaust denier is bad. It took the court case to go through to identify what was wrong with the argument and it was because of the judgment that this was seen to be something abhorrent.

TICKY FULLERTON: So Tim Wilson it seems to me that really what this debate is about is at what point free speech becomes hate speech. Only a few months ago in Bondi we had racial attacks on Jewish people. At what point do you think free speech becomes hate speech?

TIM WILSON: Well, I think the issue at hand isn't where it becomes free speech and hate speech. Hate speech in itself is connecting a crime to its thought and in itself that is a violation of people's rights.

The line of the law should be around incitement to violence not around when somebody says something and you don't like their tone or you don't like their attitude or anything else. Now that doesn't mean that somehow that means carte blanche and almost a licence for racial vilification or hatred.

We're forgetting one very important part of the discussion. Which is that rights come with responsibilities. And it's a responsibility, one of every Australian to challenge these sorts of ideas but that actually you need to have that gap between the law and social convention so that people can exercise those responsibilities so we can drive a more culturally accepting and diverse community and to challenge the sorts of ideas and racism, exactly as Jeremy just outlined but I have to pick up the last point which is I just find it absurd to think that people didn't think that Holocaust denial was unacceptable until the Racial Discrimination Act and 18C came into place I it's been an absurd proposition since the day it was forward.

TICKY FULLERTON: But it was affected on wasn't it?

TIM WILSON: Affected on, you mean legislated? In a legal sense, yes it was. But it's not as though everybody was saying this is good idea, these people are crazy and people know these people are crazy and they're quite capable of making judgements that way.

JEREMY JONES: I didn't see any evidence to back that proposition in any area where the law's been applied. If we look at some of the cases at the real cases that have happened under real law because we've only really heard objection of one case.

One case has been identified as the problem. There've been 1600 or so complaints which have gone before the commission. Many of them have been conciliated many of them have not succeeded because it's a reasonably high standard of proof for somebody to be able to carry through. Some others have gone to court.

We look at a case, I want to say for an example, there was a situation where there was a person who was putting out hateful material in the forms of leaflets, cassettes and videos and booklets for quite a while. People would try to stop here.

She would go to a garage sale - a car boot sale, sell material and people would say you can't do this here because you're objectionable. She would say I have my right to do it. You have to allow me to do it or I will take the law against you because you're restraining my trade, stopping me doing something fair and reasonable. It was only when there was law she was able to be stopped.

I've spoken to individuals who were in the situation where they say they're a professional in this case a real case, it was a dentist. He said his nurse has seen this material. His customers are seeing material which is presenting a template that every evil in the world is attributable to the group to which he belongs. He doesn't know what people are thinking about him. He knows that nobody is doing anything to stop it and there didn't seem to be a way to stop it until we had a law that allowed it to be stopped.

TICKY FULLERTON: Let me bring in at this point Andrew Bolt. Because this 18C is now really known as Bolt's Law after the case of the columnist. Tim Wilson, what were your concerns about that judgment?

TIM WILSON: My concerns were the way it was applied and ultimately that goes back to the way it was written. Where what we had was an assessment where Mr Bolt was found to have been in breach of the Act because based on the standards of the individual in the community that was the reference of his article, it was deemed he had achieved, insult, offence, humiliate and intimidate around a legitimate area of public policy debate. Now, Mr Bolt made a number of errors. He also - the judge read into it an issue around tone. These things are very bad judges about whether people can limit free expression.

TICKY FULLERTON: Well that is why this has boiled down to now an argument between whether this was about freedom of opinion or about freedom to spread untruths. What's your view?

JEREMY JONES: I think it's very bad to talk about this as the Bolt case given all the hundreds of cases that have been lodged and the number that have been adjudicated. Andrew Bolt in a sense is the exceptionable case. I don't think there - that's not a reason to ignore the case but to characterise the law as if the Andrew Bolt case was somehow typical is wrong. I also think it's unfair to Andrew Bolt to deal with it that way because Andrew Bolt himself has said on a number of occasions that his intention was not how it was interpreted which by the courts and under the law. This is quite different from many. Other cases that have come before the judges. So I just want to say that's a point I think that's very important when we are looking at the law. Look at how it's worked effectively and then if there has been a road bump and I don't mean with any disrespect to Andrew Bolt because of course it's very significant to him. I don't in any way denigrate people who have a view which is you could see a free speech absolutist position which I personally don't hold ...

TICKY FULLERTON: Are we now getting a clear view from the Attorney-General George Brandis as to just what he wants to do with 18C. There seems to be some confusion now as to

whether he is backing off, repealing all of it or perhaps leaving some of it. What is your take on that?

JEREMY JONES: We've seen George Brandis and the current government during the election campaign saying they would repeal the law as it was but there was also the concept of having consultation and talking about the law which seems to indicate quite clearly there is a recognition the government has some role in allowing victims of racism some recourse.

And not having a return to a situation before there was any law which gave victims some standing and not getting into a situation where suddenly you are taking away something which is valuable to many people in the community, I'm sure there are many members of Parliament in the government side who are hearing from their own community that there's a signal they don't want send if this law is repealed completely.

What we're seeing is the government say here's the law, we've identified a problem or we don't want a recurrence of a particular outcome in a particular case no. You we're going to try to get the plans to make sure the government is responsible and that gives us its protections to people who need protection while at the same time, doing its utmost to have a situation where there aren't unintended consequences.

TICKY FULLERTON: What's your view on where George Brandis sit and also it looks as though he's looking to change Criminal Code as well. He wants to make racial vilification a crime now.

TIM WILSON: I'm deeply concerned about the idea that racial vilification be made a crime versus a civil provision as at the moment. This is why the argument that somehow it will be a licence to do things like engage in violence is absurd because it's racial violence is already illegal under the Criminal Code.

The issue really comes down to whether this provision and the way section 18C is designed, is designed to not unnecessarily limit free speech. The Bolt case proved it was in the way it was interpreted but it has much broader issues around establishing group rights within the community, about the subjective nature of the test, about being reasonably likely to offend insult et cetera.

It needs a wholesale review in my opinion, repeal, because the elements of it that may be necessary to protect things like violence exist in other laws already.

TICKY FULLERTON: Finally, can I ask you Jeremy Jones, given Tim Wilson's libertarian views, frankly how do you feel about bill becoming the new Human Rights Commissioner?

JEREMY JONES: Well, there are human rights and I have no objection to Tim Wilson having a position in the government and doing - protecting rights. There are lots of rights for a Human Rights Commissioner to protect. When Chris Sidoti had the position some time ago he was looking at religious freedom which I think is very important right.

Brian Burdekin looks at children's rights at a time nobody was. But I have to say with the last comment from Tim Wilson if I may, we in Australia have defamation laws. If somebody accuses me personally of certain behaviour, I have the right to defend my reputation especially if it's damaging my ability to be part of society. To say that someone in a group shouldn't have that right so they say the group I belong to are automatically criminal and I have no rights but I am a criminal suddenly I have rights seems to me to be confusing.

TIM WILSON: We need to clarify that the issue with defamation law is it's actually a competition between rights and we need to find accommodation. I've said exactly the same thing should exist in the situation of free speech. It's where that line is and we obviously have a difference of opinion. The important thing is we're having this debate and it will be up to the Parliament to decide.

TICKY FULLERTON: It's all about drawing the line - a very tense debate. Tim Wilson, Jeremy Jones thank you very much for joining me.

JEREMY JONES: Thank you.

TIM WILSON: Thank you.

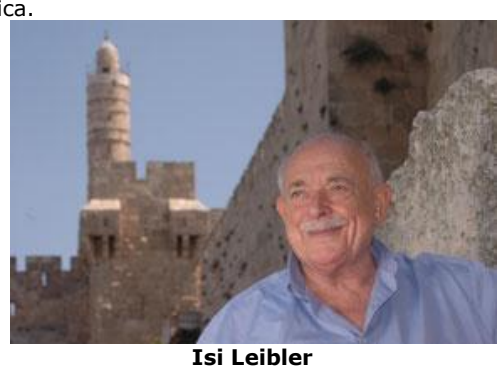
http://www.abc.net.au/lateline/content/2014/s3963918.htm

****

Jewish Leaders Down Under not intimidated…writes Isi Leibler

April 16, 2014 by Isi Leibler

Former Australian Labor Party Foreign Minister, Bob Carr, has released a 500 page book titled "Diary of a Foreign Minister" depicting his activities in office from March 2012 to September 2013. It includes a vicious attack on the Jewish communal leadership, charging it with disproportionate influence on government. The criticism is reminiscent of the notorious Stephen Walt and John Mearsheimer book on the Jewish lobby in America.



Isi Leibler

For the sake of full disclosure, prior to my aliya, I was head of the Australian Jewish community for three terms. My brother, Mark Leibler, presides over the Australia-Israel and Jewish Affairs Council (AIJAC), which is the Australian equivalent of AIPAC. Currently he is indisputably considered the most influential Jewish personality in the country.

Carr accuses former Prime Minister Julia Gillard of being controlled by the Jewish lobby and "subcontracting our foreign policy to party donors", denouncing the alleged power of pro-Israel lobbyists as "unhealthy". He also condemns Jewish leaders for promoting "an extreme right-wing rather than a tolerant liberal Israeli view" and seeking to "win on everything".

He singles out AIJAC Chairman Mark Leibler, accusing him of employing a "how dare you" tone in relation to Australian votes at the UN. "Why can't he and the lobby understand that their 'take no prisoners approach' creates immense harm?" asks Carr.

He also refers to the two former Gillard government Jewish ministers, Mark Dreyfus, who served SS Attorney General and Michael Danby, chairman of the Parliamentary Joint Committee on Foreign Affairs, as representatives of the pro-Israel "falafel faction".

To its credit, the Jewish leadership displayed a united front and Leibler, its principal spokesman, issued a powerful but dignified response to this bigoted outburst.

He dismissed as a "figment of the imagination", Carr's allegations that the Jewish lobby had intimidated or ever communicated to him or other politicians in anything other than a respectful manner. Leibler pointed out that in his various meetings with the Foreign Minister, despite legitimate differences, Carr (in the presence of witnesses) had actually complimented him on the manner in which he presented his viewpoint.

Leibler was outraged with Carr's "disingenuous" allegation that the Jewish lobby represented an extreme right wing viewpoint on Israel. He pointed out that, as in Israel, there are differences of opinion in the Jewish community on issues such as ongoing construction in areas outside Jerusalem and the major settlement blocs. But beyond insisting that the settlement issue was not the core of the Israel-Palestinian conflict, AIJAC consistently avoided adopting a position on these matters. It was strongly supportive of a negotiated two state solution which hardly warranted being defined as "extreme right wing".

When Leibler was challenged by the media as to whether the pro-Israeli lobby exerted undue influence on political leaders,

he expressed pride that those promoting the case for Israel had done so in an able and persuasive manner. He stated that it reflected the good standing of the community that, with a few notable exceptions, the Jewish leadership was granted ready access for consultations with the heads of successive governments on matters of Jewish concern including Israel.

However, he stressed that senior politicians, including Prime Ministers with whom he and other Jewish leaders had canvassed, had minds of their own and it was outrageous to suggest that they were bribed or improperly influenced by the Jewish lobby. He also noted that the right to lobby or promote independent views was a major component of any democracy and many other lobbies canvass support for what they consider to be important.

Carr insists that he was not anti-Israeli, pointing out that "for years, I was president of Labor Friends of Israel. I wrote a book "My Reading Life" in which I recommend the book on an Auschwitz survivor [Primo Levi] as the most important of the last hundred years."

Indeed, Carr was once considered a close friend of the Jewish community. Yet as an Australian media commentator noted this week, he became "the leader of pro-Palestinian opinion in Labor" reflecting "the surging Moslem population in Western Sydney…Carr's factional home is now pro-Palestinian because electoral arithmetic demands it".

This already surfaced in 2003 when, as Premier of the state of New South Wales he dismayed the Jewish community by presenting the Sydney peace prize to Palestinian political activist, Hannah Ashrawi, notorious for her rabid demonization of Israel.

He visited Israel last August and I hosted a dinner party in his honor, inviting a number of senior politicians and journalists. There was frank exchange on many issues and Carr sought to impress us that he was fervently pro-Israel. **At his request, he returned to my home the following day because he wished to discuss a number of books in my library concerning the Holocaust and Primo Levi. On that occasion he expressed highly complementary remarks about my brother's role in promoting the case for Israel.**

Yet, immediately on his return home, he dispatched a delegation to Iran to solicit votes for Australia's UN Security Council candidature and gave undertakings to Arab and Third World countries that he would alter Australia's long standing support of Israel in return for their votes at the UN.

Subsequently, he engineered Cabinet support to overrule the instructions of Prime Minister Julia Gillard and Australia abstained in lieu of voting against the resolution recognizing the Palestinians as an observer state. He bluntly stated, "I don't apologize for the fact that Australia has interests in the Arab world. If we had voted no, that would have been a body blow to our interests in over 20 countries. The truth is they all see this as a bedrock issue".

Carr also demonstratively hauled over the coals Yuval Rotem, then Israel's ambassador to Australia (whom he refers to in his book as "the cunning Yuval") for the Israeli government decision to continue building homes in the Jewish suburbs of east Jerusalem and adjacent areas.

There is little doubt that whilst Carr's hoary accusations of a Jewish cabal controlling the government will please and possibly embolden anti-Israeli elements and anti-Semites, it will have marginal impact on the Jewish community.

Indeed, the current Prime Minister Tony Abbott and his Liberal government are shaping up to being as friendly to Israel as Stephen Harper and his Canadian government. And despite the former Foreign Minister's hostility, the new Labor Leader of the Opposition Bill Shorten, in a recent address to the Australian Zionist Federation, vigorously sought to mend relations with the Jewish community. In addition, the former Labor Prime Minister Julia Gillard last week again visited Israel. In fact the long standing bi-partisan friendship towards Israel which has, with few exceptions, prevailed since the creation of the Jewish state, has now largely been restored.

That a dominant proportion of the Jewish community (currently estimated at approximately 120,000) are the offspring of Holocaust survivors has intensified the community's passionate Zionist orientation.

This in turn, has led to the emergence of leaders who have no hesitation in taking up assertive but responsible positions on matters of Jewish concern and on behalf of Israel, as and when appropriate. Their dedication undoubtedly contributed towards persuading successive governments to appreciate the case for Israel. Indeed, Australia could serve as a role model for leaders in other Diaspora Jewish communities.

Isi Leibler lives in Jerusalem. He is a former president of the Executive Council of Australian Jewry.

http://www.jwire.com.au/featured-articles/jewish-leaders-down-under-not-intimidated/41998

****

Mark Leibler responds.

The law may have been "misapplied" against me and the slur was "outrageous"

Andrew Bolt Andrew Bolt Blog

DECEMBER **12** 2013 (8:47am) 93 Comments | Permalink

Mark Leibler is one of the Jewish leaders fighting reforms to the Racial Discrimination Act under which I had two articles banned.

He yesterday responded to two blog posts in which I criticised Jewish community leaders - although not the community itself - for not just supporting an illiberal law, but for trashing principle and me personally.

My points were:

- Several prominent Jewish spokesmen had privately told me they disagreed with the verdict and even the breadth of the Racial Discrimination Act, if used to silence even me, yet not one of those spokesmen had ever said so publicly. It was as if though by conceding an injustice, they risked losing a law they thought useful. I was, in my phrase, "collateral damage".

- Not a single Jewish spokesman had publicly condemned Ron Merkel QC for telling the Jewish judge in my case that **my thinking in the article was of the kind that the Nazis had in drawing up the Nuremberg race laws,** (Danny Lamm, however, did offer to speak on my behalf.) I thought this vile slur, explosive in the context of my case, was not just a gross misuse of the victims of the Holocaust, but was false and known to be false by the many members of the Jewish community, who knew me to be one of the most prominent media defenders of Israel and the Jewish community generally. It seemed to me, again, that my reputation was collateral damage in a fight to preserve (unjust) laws.

- I was alarmed that my personal reputation was further being attacked by people who should know better. One very prominent Jewish leader (certainly not Leibler) had even suggested I believed in the "Jewish conspiracy". I warned that phrasing the debate over the RDA as between racists and non-racists was not just false and offensive, but would damage the standing of someone many Jews felt was useful in defending them publicly.

- These laws would eventually be turned against Jews and those who criticised Islam.

Leibler has now responded. I disagree with points he makes and vehemently disagree with his attack on our free speech. I wish he'd gone further in denouncing the verdict against me, which I think makes the case for reform of the RDA unanswerable.

But I appreciate Mark's frankness and goodwill, and hold him in the same esteem he professes for me. I particularly appreciate him now revealing publicly what I did not know even privately. As he puts it:

It is my view that your column which formed the subject matter of the court case was misconceived. However, ***there is a respectable legal argument that in fact the judge misapplied the relevant test in your case. I also agree that the analogy used by the barrister in your case was absolutely misconceived and outrageous. Moreover, I have communicated this to him*** *and others and this is no secret.*

But I won't go on. I've made my case before, and I want Mark to now put his own:

Dear Andrew,

I refer to your recent blogs on 6 and 9 December 2013 in relation to the proposed repeal of S.18C of the Racial Discrimination Act and the Jewish Community.

Let me begin by emphasizing that I regard you as a friend of the Jewish community and hold you in high regard. And may I also add that there are occasions when I have some pretty fundamental disagreements on important issues with people who I would regard as friends. I admire many of your articles, op-eds and blogs on a range of issues, in particular relating to Israel. They are also admired overwhelmingly within the Jewish community. That does not mean that we will not have differences of opinion with you on specific issues.

I strongly disagree with the views which you articulate from time to time in relation to indigenous affairs. It is my view that your column which formed the subject matter of the court case was misconceived. However, there is a respectable legal argument that in fact the judge misapplied the relevant test in your case. I also agree that the analogy used by the barrister in your case was absolutely misconceived and outrageous. Moreover, I have communicated this to him and others and this is no secret.

The fact that you have a particular view in relation to S.18C of the Racial Discrimination Act does not make you an enemy of, or in any way hostile to, the Jewish community. It certainly does not put you in the category of people who are racist or have any form of racial bias. I have never ever suggested or even hinted otherwise and the same is the case for AIJAC and all other responsible Jewish organisations that I am aware of. In fact, many of us are very strongly supportive of some - but not necessarily all - causes that you take up in your columns.

You are, of course, entitled to disagree with the views of Daniel Meyerowitz-Katz recently published in The Australian. However, to suggest that this article in some way sanctions the "vilification of people" like yourself or amounts to "publicly insulting" you is, frankly, impossible for me to comprehend. There is nothing in this article which in any way makes you "collateral damage" in the Jewish community's efforts to persuade the government not to repeal S.18C, albeit, that there is justification for a review. The article by Meyerowitz-Katz concedes that the decision in your case was "controversial" as distinct from almost 20 years of positive outcomes in other cases.

Andrew, I will maintain - and responsible Jewish community organisations will maintain - opposition to the wholesale repeal of S.l8C of the Racial Discrimination Act. This is not in any way directed at you. It ought not to be regarded as damaging to you and it is certainly neither offensive to you or intended to be offensive to you.

I have no problem about the views which I have communicated in this letter being made public. If you so desire, feel free to publish this letter on your blog.

Warm regards.

Mark Leibler

Again, I am grateful to Mark for going as far as he did. I wish he'd gone much further, but the difference between us is one of opinion and not respect.

(I have written on this issue in the upcoming *Spectator*. That article was written before I got Mark's email.)

UPDATE

On reflection, i can't let my gratitude to Mark stop me from making some points. I feel Mark has avoided the real issue. The verdict against me was not merely a case of the law being misapplied. The law itself is so recklessly broad that it encouraged this very process and arguably this very verdict. It is for that reason, I believe, that not one of the Jewish community leaders who told me privately they opposed the outcome said so publicly or spoke in my defence. To have done so would have been to concede the law did indeed need reform.

Professor Sinclair Davidson:

Well, Mark Leibler of the Australia/Israel and Jewish Affairs Council has written to Andrew Bolt – but again only providing private assurance – although he is happy for the letter to be republished on his blog…

Wow. Really? I would have thought that the same letter published in the Jewish News *or on the op-ed page of The Australian would be far more powerful; that would be a show of public support.*

So here is the story. First Leibler throws Judge Mordecai Bromberg to the wolves:

… there is a respectable legal argument that in fact the judge misapplied the relevant test in your case.

So we have a bad law on our hands? Or a judge who wouldn't apply the law? Or both? Regrettably Leibler doesn't explore this point. Given his continued support for 18C, I suspect this is a criticism of Bromberg.

Then Leibler has a go at Ron Merkel:

I also agree that the analogy used by the barrister in your case was absolutely misconceived and outrageous. Moreover, I have communicated this to him and others and this is no secret.

Good. Yet the operative word here is "secret". Who knew? Perhaps this criticism was reported in the media – I haven't seen it.

Then Leibler throws Daniel Meyerowitz-Katz to the wolves.

You are, of course, entitled to disagree with the views of Daniel Meyerowitz-Katz recently published in The Australian. However, to suggest that this article in some way sanctions the "vilification of people" like yourself or amounts to "publicly insulting" you is, frankly, impossible for me to comprehend.

Let's go to the tape. What did Meyerowitz-Katz say?

If people genuinely think it should be legal for Australians to harass others on the basis of race, then they are welcome to make that argument. What's troubling about the anti-18C campaign is its dishonesty…

But then, being honest about 18C makes it harder to spin the provision as a threat to free speech, and nobody wants to openly defend racial harassment. Do they?

Yep – reads like he is saying that anyone opposed to 18C is a racist. Frankly, it's impossible for me to comprehend how that's publicly insulting too.

The bottom line:

Andrew, I will maintain – and responsible Jewish community organisations will maintain – opposition to the wholesale repeal of S.l8C of the Racial Discrimination Act. This is not in any way directed at you. It ought not to be regarded as damaging to you and it is certainly neither offensive to you or intended to be offensive to you.

But for the small matter of a court judgement and being described as "some sort of neo-Nazi planning a holocaust" this isn't about Andrew Bolt at all.

To be fair to Mark Leibler, friends can agree to disagree and this is how he sees the issue. Friends who agree 99 per cent of the time work on the 99 per cent and work around the 1 per cent. I can't see this as a 1 per cent issue. This is a fork in the road. Those who choose to walk down the path of 18C must do

so alone, without the comfort and friendship of those of us who choose freedom over slavery.
http://blogs.news.com.au/heraldsun/andrewbolt/index.php/heraldsun/comments/mark_leibler_responds_the_law_may_have_been_misapplied_against_me_and_the_s/

****

8. A View From the USA-CANADA-UK – Australia's role-model?

A. – Prof Stephen Walt: mentions the overuse of the smear word "anti-Semite"

Video Clip Published on Apr 7, 2014

Presentation at the National Summit to Reassess the U.S.-Israel "Special Relationship" on March 7, 2014 at the National Press Club.

Stephen M. Walt is professor of International Affairs at Harvard University; previously taught at Princeton University, University of Chicago; consultant for the Institute of Defense Analyses, the Center for Naval Analyses, and the National Defense University. He presently serves on the editorial boards of Foreign Policy, Security Studies, International Relations, and Journal of Cold War Studies.

Walt also serves as Co-Editor of the Cornell Studies in Security Affairs. Author of *The Origins of Alliances*, which received the 1988 Edgar S. Furniss National Security Book Award and, with co-author John J. Mearsheimer of ***The Israel Lobby and U.S. Foreign Policy.***

http://www.youtube.com/watch?v=PxpGkD9AMeA

****

B. – Prof Kevin MacDonald spells out his worries: Diversity Is Strength! It's Also… Racially Polarizing Politics, Despite MSM Efforts To Lull Whites

Kevin MacDonald, April 15, 2014

In all the Main Stream Media propaganda about the desperate need for an Amnesty/Immigration Surge bill, you never hear that the bill will speed up the day when whites are a minority. The research of Northwestern University psychologists Maureen A. Craig [Email her] (a white woman) and Jennifer A. Richeson [Email her](an African-American) shows why [*On the Precipice of a "Majority-Minority" America: Perceived Status Threat From the Racial Demographic Shift Affects White Americans' Political Ideology*, Psychological Science April 3, 2014]. Shockingly, it turns out that the great majority of white Americans are not at all like neocon Ben Wattenberg who famously asserted that "The non-Europeanization of America is heartening news of an almost transcendental quality." [*The Good News Is The Bad News Is Wrong*, p. 84.] In fact, white Americans are afraid of becoming a minority. Being told about their impending minority status provokes whites to endorse attitudes linked to the political Right.

The title of the Craig-Richeson paper is itself interesting. The standard dictionary definition of "precipice" is "the brink of a dangerous or disastrous situation"—which is exactly what Cassandras have been saying about the impending minority status of whites. Giving up majority status in a democracy has obvious grave implications. No ethnic group in history has ever voluntarily become a minority. Israel, for example, is fixated on Palestinian birthrates and absolutely opposed to a "Right of Return" for dispossessed Palestinians. Given that Palestinians are already a majority in the "de facto state of Israel," a one-state solution would mean that, if Israel remained a democracy, the Palestinians would govern. And that would mean the end of Israel as a Jewish state.

Being a minority is always problematic given the reality of ethnic conflict throughout history. This is particularly so when groups harbor historical grudges (e.g., slavery and Jim Crow for African Americans, anti-Semitism for Jews). It is especially worrisome in the case of America because the grievance industry promoted by elites in the MSM, the legal profession, and academe systematically blames "White racism" for all the problems of non-Whites.

It's one thing to be demonized when you are the majority, but a far different thing when you are the minority. Needless to say, despite Craig-Richeson's use of the word "precipice", they do not view whites' impending minority status as problematic. Indeed, they are eager to suggest ways to make Whites complacent about their impending status.

The theoretical framework for the Craig-Richeson paper emphasizes the general finding that people who feel threatened tend to adopt more conservative views. Studies show that whites adopt more conservative political views not only after terrorist events like 9/11, but also when they live closer to black Americans:

[A]n analysis of voter-registration data for Louisiana parishes revealed that the larger the percentage of Blacks in a parish, the greater the percentage of Whites who were registered as Republicans and the lower the percentage of Whites who were registered as Democrats.

But it's still very easy for most Whites to avoid the costs of diversity and multiculturalism—"out of sight, out of mind." The Craig-Richeson study reinforces this observation.

In their first experiment, subjects (all experiments used only whites) were told that California had become a "majority minority" state, while control subjects were told that there were now approximately as many Hispanics as blacks in the US. The experimental subjects reported they leaned more toward the Republican Party and toward more conservative opinions, and this effect was increased among subjects who lived closer to California.

In other words, people living in rural Nebraska, small town Montana or even Portland, Oregon are less worried about the disaster that is unfolding in California and many other parts of the US. Quite a few of these White subjects are in effect saying: "If it doesn't impact me personally in my face-to-face world, I'm not going to worry about whites becoming a minority."

The Craig-Richeson study illuminates the mechanics of why the Republican Party is rapidly becoming *de facto* the party of White America: American politics is simply becoming racialized as a result of identity politics. In the 2012 election, a majority of Whites of all social classes, both sexes, and all age groups voted Republican. Obama won only 36% of the votes of non-college whites—a group that traditionally voted Democrat when social class issues were paramount.

Of course, VDARE.com has been highlighting this logically possible path to GOP victory for years—calling it "The Sailer Strategy" after Steve Sailer, who has calculated that even if immigration not curtailed, the GOP could win presidential elections by increasing its share of the white vote well into mid-century.

For reasons that would bear analysis, GOP strategists ignore this possibility. But the Craig- Richeson study suggests that this GOP whitening trend will accelerate anyway, as it becomes increasingly difficult for whites to escape diversity. When the effects of the immigration tsunami are all around, it begins to dawn on people that their country is being taken away.

In the second experiment, subjects read a press release on the impending eclipse of America as a majority-white country—I hesitate to call America a "nation"—and were then asked about their sense of uncertainty about the future and whether they perceived the racial shift as a threat to the social status of whites. They were also asked about five issues that liberals and conservatives typically disagree about. Three directly related to race: increasing or decreasing the required time to be eligible for U.S. citizenship; increasing or decreasing foreign immigration to the United States; and support for Affirmative Action.

Subjects who read the press release were more likely to endorse conservative positions on all five issues, i.e., including questions directly related to race as well as those not related to race (health care reform and defense spending). They were also more likely to agree with the idea that increases in racial minorities' status will reduce white Americans' status.

Craig and Richeson view this last finding as particularly important. Whites confronted with their impending minority status are concerned that their social status will suffer, and this motivates their attraction to conservatism. Craig's reaction is particularly blatant:

"These findings may be particularly relevant to media and government agencies who are currently reporting on these racial shifts, presumably without awareness of these potential threat effects," Craig told Association for Psychological Science. "We're working on **ways to present information** regarding these very real and important shifts in the country's racial demographics that **don't engender these type of threat responses** and, instead**, promote positive relations** among members of the **majority and minority** groups."

Study Finds This Factor Leads People to Make More Conservative Choices, by Liz Klimas, The Blaze, April 9, 2014 (Emphasis added.)

You see, Craig, along with the rest of the academic Establishment, is *entirely on board* with eliminating America's white majority through immigration policy. So the problem, as they see it, is not how to prevent the shifts, but how to make them palatable. How can the fears of white Americans be made to disappear so they won't be drawn to the evil that is inherent in conservative political opinions and the Republican Party? How can White America be induced to embrace the harmonious multicultural future as America enters the golden age of diversity (and White America heads into the sunset)?

In their third experiment, Craig and Richeson laid the groundwork for the new propaganda. They added a condition where some subjects read a paragraph reassuring them that white social status "is unlikely to change" even after whites become a minority (the "assuaged threat condition"). They write:

The article in the assuaged-threat condition included the same information about the impending racial demographic shift as the article in the status-threat condition, but also indicated that "despite the shift in the demographic make-up, the relative societal status of different racial groups is likely to remain steady" and "White Americans are expected to continue to have higher average incomes and wealth compared to members of other racial groups."

Results indicated that subjects who read this assuaging paragraph were no different from controls (Jamelle Bouie, writing in *Slate*, gets this wrong: *Could America Become Mississippi*? April 9, 2014). But those who read a passage about white Americans becoming a minority with no reassurance on their social status showed the same shifts to the right found in Experiment 2.

Voilà! Simply add a reassuring paragraph and the status-threat disappears! Frame the issue by reassuring whites that they will not suffer economically from becoming a minority, and they will be more likely to endorse Leftist nostrums approved by academic and MSM elites.

So here we obviously have a game plan for the MSM:

Continue to ignore the impending minority status of white Americans. (It's remarkable that simply telling white subjects about this state of affairs makes them more conservative.)

If the topic of the impending white minority is discussed, frame it as having no negative consequences for whites' social status. "*Just relax. Everything is going to be okay. Your social status won't be affected and, after all, the immigrants are just like you and they do jobs Americans won't do.* "

In contrast, these results show that a good strategy for the conservative media would be to highlight America's impending white minority because whites would then be more likely to agree with conservative opinions—in a wide range of areas, including those not centrally related to race (e.g., healthcare and defense spending).

The downside for conservative media like FOX News: whites would then take also positions on immigration, Affirmative Action and other issues related to race that would be anathema to the neocons and to corporate America.

Drs. Craig and Richeson conclude:

One implication of the present work is that Whites may be increasingly likely and motivated to support conservative candidates and policies, in response to the changing racial demographics. **These results suggest that presumptions of the decline of the Republican Party due to the very same changing racial demographics (e.g., Heavey, 2012; Shear, 2012; Wickham, 2012) may be premature.** Future research is needed to examine the extent to which Whites' status concerns, triggered by the changing racial demographics, may influence their political affiliations. Nevertheless, ***should White Americans (on average) respond to the changing demographics by becoming more politically conservative, the U.S. political landscape is likely to become increasingly racially polarized.*** [Emphases added]

Of course, the reality is that American racial and ethnic landscape is already well on the way to polarization. Already an average of 80% of non-Whites voted for Obama in the last election. Whites have been relatively less polarized, even though 60% voting Republican in recent elections. But all the indications are that they are becoming more so. Not only are the majority of Whites of all social classes, both sexes, and all age groups voting Republican, as I mentioned above, but Republicans are **increasing** their share of the White vote by 1.5% in every presidential election cycle since 1992.["*Does GOP Have to Pass Immigration Reform?*, By Sean Trende, *Real Clear Politics*, June 25, 2013]

This is occurring despite a virtual blackout of discussion of the impending white minority in the MSM. Imagine how quickly polarization would increase if the racial shift were emphasized—and especially the downside for Whites. Imagine how hard it would be to sell the immigration amnesty/surge bill to white America if its acceleration of the racial shift were publicized.

The general lack of awareness also shows that there is a huge untapped source of conservative strength in the US: Accentuating the impending eclipse of White America would result in an upsurge of support for conservative positions on a wide range of issues.

The fact that the subjects in these experiments seemed unaware of these population shifts prior to the experiment is a telling testimony to the power of the MSM in shaping perceptions. Deciding what's not fit to print is at least as important as what is fit to print.

So it's no accident that the MSM is intensively policed to eliminate voices that conflict with the Leftist world view—people like Pat Buchanan, Glenn Beck, and Lou Dobbs. This is why Media Matters was so upset when CNN quoted VDARE.com Editor Peter Brimelow and James Edwards on immigration-related issues. [*CNN Article Legitimizes "Pro-White" Commentators,* by Todd Gregory, March 4, 2011]

And of course the Establishment Conservative media is no better. It's interesting that when *New York* Magazine's Jonathan Chait reviewed studies on the effects of liberal domination of the entertainment media, he reported that

conservative talk radio and Fox News harp on "the fears that torment conservatives today—overweening regulators, welfare layabouts, the government seizing our guns" —anything but the fear of becoming a minority. [*The Vast Left-Wing Conspiracy Is on Your Screen*, August 19, 2012]

The political landscape would change rather quickly and dramatically if one above-ground, widely available, well-funded, MSM outlet told the truth.

But the data show that the landscape is changing anyway. Despite the MSM, Whites are waking up to the reality of their dispossession, even if the changes are slow. In the next 30 years, fewer and fewer whites will be able to escape the consequences of the immigration onslaught. The political landscape will continue to be more racially polarized. Whites will be looking for leadership that addresses their fears. Conservatism Inc. boilerplate about government regulation, welfare queens and even gun rights won't hack it. Politicians like Jeb Bush, and the others who came to genuflect before Sheldon Adelson won't cut it.

What will appeal to these whites—the great majority of whites—is explicit talk about white identity and white interests.

It will be a revolution.

Kevin MacDonald [email him] is professor of psychology at California State University–Long Beach. His research has focused on developing evolutionary perspectives in developmental psychology, personality theory, Western culture, and ethnic relations (group evolutionary strategies). He edits and is a frequent contributor to The Occidental Observer and The Occidental Quarterly. For his website, click here.

http://www.theoccidentalobserver.net/2014/04/diversity-is-strength-its-alsoracially-polarizing-politics-despite-msm-efforts-to-lull-whites/

****

C. – Arthur Topham

Dear Free Speech Advocates and Radical Press Supporters,

Tuesday, April 15th, 2014 was a good day for freedom of speech in Canada. B.C. Provincial court judge, the Honourable Judge Morgan, after due consideration of the arguments put forth at my bail hearing held on April 9th, 2014, decided in my favour, thus refusing all of the main arguments of Crown which would, in effect, have shut down RadicalPress.com until after the trial and also prohibited me from publishing on any internet site available to the general public.

Judge Morgan did concede on one point in Crown's application and added an additional condition to my Undertaking. The gist of it was that I would no longer be permitted to publish on the internet the names of the two people who were responsible for laying the initial complaints against myself and RadicalPress.com with the B.C. Hate Crime Team and that I must immediately remove their names from any website that I control. While there are possibly some problems with complying with this condition which may have to be contested via another application, in the vast scheme of things it's minor in comparison to the overall decision which, clearly states that (in the words of Judge Morgan) a "court ordered prior restraint on a person's s. 2(b) ***Charter*** right to freedom of thought, belief, opinion and expression, has the risk of being overbroad and should be granted only in clear cases."

The fourteen page decision addressed the two main arguments which I brought forth during the bail hearing; first the jurisdiction of a judge to preside at a bail hearing to hear an application on varying the original bail conditions once the preliminary inquiry had ended and the case was committed to a higher court and second, the merits of my *Charter* rights. In responding to these arguments Judge Morgan, in Para. 4 of his decision stated, "Mr. Topham responded with well-prepared submissions by first raising the issue of whether I, as a Provincial Court Judge, continued to have jurisdiction to hear the Crown's application. He also provides alternative arguments dealing with the merits of the application."

One principal point which Judge Morgan brought up in his decision at Para. 33, was that of Crown's main objective in attempting to find me guilty of promoting "hatred"; a contentious one which I have been attempting to draw the public's attention to from the onset of not only this case but also the sec. 13(1) charge laid back in 2007. I refer here to the clear and present danger to ***all Canadians*** should Crown's efforts prove successful and such a precedent established. In this regard Judge Morgan had the following to say:

*[33] The primary remedy sought by the Crown if successful at trial will be to prevent Mr. Topham (**and thereby perhaps others**) from posting hate promoted material.* [emphasis added]

I believe Judge Morgan's decision is worthy of a close reading by anyone who has serious concerns about Canada's current "Hate Propaganda" laws as they exist in Sec. 319 of the*Criminal Code of Canada* and so I am including a verbatim copy of it below. I will be posting the full decision on the website in pdf format and will link to it so interested parties can read the full contents.

This is now the second failed attempt on the part of Crown to impose harsh conditions on myself and RadicalPress.com prior to a trial. Whether or not Crown will try to make a third similar application at the Supreme Court level is an unknown at this time.

And so this decision on the part of Judge Morgan must be viewed as a precedent setting victory in the ongoing war to abolish all of Canada's "Hate Propaganda" legislation and thus ensure our*Charter* rights to freedom of expression on the internet remain inalienable and sacrosanct.

Here then is the full text of Judge Morgan's decision in *R. v Topham*:

Decision:

[32] Considerations of bail in section 319(2) prosecutions (willfully promoting hatred) are somewhat different from the usual criminal prosecutions. This is because the central issue at trial will not be what occurred , but will be what effect resulted. The publicly communicated statements will have to be established by the Crown to promote 'hatred' as the word is defined in Canadian jurisprudence.

[33] The primary remedy sought by the Crown if successful at trial will be to prevent Mr. Topham (and thereby perhaps others) from posting hate promoted material. The Crown is, in effect, seeking the same remedy pre-trial through a cease and desist bail order. To be successful the court would have to be satisfied that on the test of a balance of probabilities all aspects of Crown's case will be made out, including that the effect of the communications of concern will meet the threshold of promoting hatred. In effect, the court is being asked to decide the case on the balance of probability standard.

[34] On the other hand, it is an initially forceful consideration when dealing with material that is clearly repugnant and offensive, to ask what harm would result by simply shutting it down until the matter can be decided at trial. One can easily imagine situations where the material is so repugnant and offensive that even solely from the judge's perspective and without direct evidence of harm, the likely risk of harm will be evident and outweigh a temporary curtailment of *Charter* rights.

[35] However, court ordered prior restraint on a person's s. 2(b) ***Charter*** right to freedom of thought, belief, opinion and expression, has the risk of being overbroad and should be granted only in clear cases.

[36] In the case before me, the material of concern is primarily material written by others and allegedly posted by Mr. Topham on his website. The one document I was referred to that involved a minor amount of originality is entitled 'Israel Must Perish' and is based on a document written many years ago by someone else entitled 'Germany Must Perish'. In 'Israel Must Perish' the accused is alleged to have replaced all references to 'Germany' with 'Israel' and all references to

'Germans' with 'Jews'. Mr. Topham has published both versions on his website. Mr. Topham says – and is not contradicted by the Crown – that all of the material of concern is available on other internet sites not controlled by him, including notable sites such as Amazon.com and Archive.org.
[37] There is some evidence that Mr. Topham uses his website to publish other materials that are not alleged to foster hate, and to use it for other reasons, such as providing a voice to other fringe persons or groups. As of late, he has been using his website in an attempt to raise money to pay for a lawyer to defend him against the present charges.
[38] Although I give Crown credit for being open to finding ways to minimally impair Mr. Topham's rights while at the same time addressing the concern of the publication of the offensive material, I find that in this case, ordering Mr. Topham to shut down his website may well be an over broad prior restraint and that, based on the evidence before me, the effect on reducing any harm caused may well be minimal given the material is primarily not original and is available from other internet sources.
[39] I agree with Ms. Johnston that ordering Mr. Topham to remove from his website any reference to people of Jewish religion or ethnic origin would be like having him pick out pepper. What I foresee from this is any effort to carve a fine balance would very possibly lead to breach related charges arising from confusion and misinterpretation.
[40] The Crown's goal of stopping Mr. Topham from putting on his website offensive material will of course depend on whether Crown is successful at trial in establishing the offensive material has the effect of promoting hate. If the Crown proves its case, the sentencing judge will be in a much informed position in determining the appropriate breadth of restraint orders and other sanctions.
[41] Although I decline to order as a condition of bail that Mr. Topham stop operating his entire website or to order that he cease and desist from posting any materials referencing people of the Jewish religion or ethnic origin, I am satisfied that his Undertaking should be amended to include a condition that he not post on any internet site or otherwise publish the names of the two civilian complainants already referred to in condition 2. of his present Undertaking, and that he immediately remove their names from any internet site he has direct or indirect control of . I find that there may be a risk of harm or intimidation in posting the names of these civilian complainants.
R.D. Morgan
Provincial Court Judge

****

My court battle has now moved on to an actual trial by judge and jury in the British Columbia Supreme Court. In doing so it now places a far greater emphasis on my having to obtain legal counsel and/or advice from legal counsellors, which ultimately requires funding.
The trial will be the first major battle in the upcoming legal war to rid Canada of all the "Hate Propaganda" legislation that has been inserted into the *Canadian Criminal Code* by pro-Zionist Jewish lobby organizations since the end of World War Two. The outcome of this trial will, in all likelihood, determine whether or not the rest of Canadians will retain their right to publish the truth on the Internet about any and all injustices that may befall our country.
I NEED YOUR HELP NOW MORE THAN EVER!!!
Please consider a donation to the **Radical Press Free Speech Defence Fund**.
My PayPal button is on my website at **http://www.RadicalPress.com**
If you can't send a donation via PayPay please consider sending what you can through Canada Post to:
Arthur Topham
4633 Barkerville Highway
Quesnel, B.C. Canada
V2J 6T8
Remember that every bit helps (all of us).
Thank you.
Arthur Topham
Pub/Ed
The Radical Press

Regina v RadicalPress.com LEGAL UPDATE #20, April 16, 2014
http://www.radicalpress.com/?p=4771

****

D. – Colin Liddell
The Necessary Rise of the Black Baroness
April 17, 2014

White woman, presumably filled with guilt, observing Chris Ofili's "No Woman No Cry," said to portray Baroness Doreen Lawrence

Given that **Baroness Doreen Lawrence**, the mother of murdered teenager Stephen Lawrence, is now being **touted** as Labour's candidate to fight the London mayoral elections in 2016, it is time to reconsider the complexities of British multiculturalism and how the Black population and Britain relate to each other.
The central problem is that because of real average differences in traits like **IQ**, Blacks simply don't fit into White societies, like Britain, that prize "equality." Most people, of course, know this at a gut level, but on the conscious level there is still a lot of brainwashing, denial, and disinformation, backed up by extremely fuzzy thinking.
People in these societies have been taught that "equality" is a sacred and moral value, so they are naturally reluctant to face up to the awkward fact of continuing Black inequality. It simply does not square with their declared values and actual equality of opportunity that other non-White groups like Asians have no trouble taking advantage of.
The only way out of this paradox is for the society to generate the idea of "racism" and create the myth that Blacks are held back by "evil, racist" White people.
The problem with this, however, is that because these societies are dominated by egalitarian values and the idea that anything "bad" from the past should and can be reformed, they constantly undermine any objective basis for actual racial discrimination with the result that ever more abstruse and chimerical forms of it have to be found or conceptualized.
Unlike parts of America, which once had a system of apartheid, with some laws that could be described as "race laws," the UK has never had any racial element in its laws, so, when Blacks from the Caribbean started to colonize the British Isles from the 1940s onwards, there was no legal basis for explaining Black inequality as the result of "racism."
Instead two other ideas were invoked, namely the ideas of (1) **assimilative lag**and (2) **unofficial racism** said to stem from the attitudes of certain members of the majority population.
The idea of *assimilative lag* was compatible with the dominant egalitarian ethos because it hypothesized that any immigrant group would simply be unequal until it assimilated. In Britain in the 1950s and 1960s it was still possible to view Blacks in

this way, especially as the first generation of Black immigrants were ostensibly keen to fit in and "become British." Even today, ludicrously British-sounding names such as "Winston" (from British PM Churchill's first name) are common among Afro-Caribbeans in the UK.

However, because it is a false hypothesis and because it has a built-in *time-obsolesence*, the idea of *assimilative lag* soon had to be abandoned on both sides. The second generation of Blacks, instead of redoubling their efforts to be accepted by the general population, went in what can be called a more alienated and identitarian direction, typified by the unemployable weed-smoking Rastafarian or the gangster Yardie.

Because of this, British society with its stubbornly egalitarian ethos had to fall back on the idea of "unofficial racism," that Blacks were being held back — literally forced into crime, poverty, and familial dysfunction — by unofficial racism, despite the much greater opportunities offered to them by British society as opposed to their countries of origin.

Unfortunately, even the basis for believing in *unofficial racism* had been severely undermined by the Race Relations Acts of 1965 and 1968, which greatly constrained the ways in which individuals who wished to dissociate with Blacks could express their preference, by making it illegal to not serve a person at a restaurant or to refuse housing, employment, or public services "on the grounds of colour, race, ethnic or national origins."

Rather than reforming a racist system, these laws merely served to shrilly emphasize the non-racial character of pre-existing British society. But they also emphasized the growing mismatch between natural Black inequality and Britain's egalitarian ethos. This paradox presented fertile political ground for any party that chose to exploit it, so that even the National Front with its crude sloganeering ("If they're Black send them back," etc.), thuggish image, and rambunctious street politics was able to make considerable progress.

To avoid exploitation of the paradox in this way, the British establishment responded with a variety of tactical measures, including media propaganda, demonization, infiltration of nationalist groups, etc., but its deeper strategic response can be divided into two main strands: (1) "prejudice mining" and (2) "bundling" — two terms which I have had to coin because they don't already exist in a political context.

Prejudice Mining

In the same way that data mining extracts new information from pre-existing data, "prejudice mining" enables states to "extract" new forms of prejudice from behaviour that in previous years would not be considered prejudice by anybody. But whereas data mining uses a variety of techniques such "cluster analysis," "anomaly detection," and "association rule mining" to get objectively verifiable results, prejudice mining is much more subjective and politically driven.

The typical *modus operandi* involves "political spotlighting," namely the selection of a specific area for analysis, based purely on political considerations and amenability to media exploitation, and then measuring any inequality of outcome against an assumption of absolute natural equality.

Where no unfair discrimination exists by a standard of common sense, "prejudice mining" can then postulate such explanations as "institutional racism," "a hostile environment or culture," "micro-aggressions," or "a legacy of racism," which can then be backdated as much is required. On the basis of this, it can then prescribe various forms of "reverse" prejudice, such as "diversity training" and job quotas.

An obvious analogy exists with the methods of the Witchfinders in the late medieval and early modern periods, with the earlier assumption that the Devil must exist being analogous to the assumption that *natural equality* must exist and must be uncovered at all costs.

The initiation of this system can be dated to the 1976 Race Relations Act, which established the Commission for Racial Equality and thus the racial grievance industry.

Bundling

The weaknesses of the Race Relations Acts were twofold:

Firstly, they were founded on a pretence of hostile discrimination based on mistaken notions of group equality, when the objective evidence correlated with a wide range of other examples of immigration suggests that Britain was unnaturally welcoming and indulgent to the incomers, and certainly more so than they deserved on their merits.

Secondly, the Race Relations Acts brought the Black-White divide into sharp focus, leading to clear race consciousness on both sides and a tendency towards objectivism about the underlying natural group inequalities.

The Race Relations Acts of 1965, 1968, and 1976 had two unforeseen outcomes. They bolstered Black paranoia and feelings of being persecuted, but also created antipathy among Whites, especially working-class Whites, who instinctively realized that far from Blacks being protected against an unfair system they were simply being singled out for preferential treatment.

The rise of so-called "Far Right" parties in the UK can partially be interpreted as a response to these Race Relations Acts. The history of the National Front seems to fit this trajectory rather neatly, with the party being founded in 1967 and enjoying its greatest popularity in the late 1970s.

To offset the polarizing effects of focusing on Black inequality, the British establishment developed a strategy of obfuscation with the issues surrounding Black inequality increasingly being bundled together with other "equality" issues, involving such things as gender, religion, sexual orientation, and disabilities.

It is telling that the 1976 Act was the last Race Relations Act, or, more accurately, the last piece of racial legislation to openly declare itself as racial in its title. Increasingly race issues were linked to other issues in such a way as to disingenuously broaden the base of support.

In a similar way the Commission for Racial Equality, which was actually serving to remind Working Class Whites of how *they* were discriminated against, also underwent a crafty name change. In 2004 it was decided to "merge" it into a new single equalities body, the Equality and Human Rights Commission.

The Baroness

The central paradox of British multiculturalism demanded resolution at a higher level of truth, but by these processes of "prejudice mining" and "bundling" the British establishment was able to avoid the inevitable contradictions that arise from endemic racial inequality in a non-discriminatory country with a strong egalitarian culture.

This leads us back to the case of Doreen Lawrence, the Jamaican immigrant mother of Stephen Lawrence, an eighteen-year old man who was stabbed to death in 1993 in what would have been a quickly forgotten incident, had it not suited the precise purposes of the political establishment to turn it into a *cause célèbre*.

Many people claim to be surprised by the degree to which Doreen Lawrence is feted and fawned on by the UK establishment and its media, but the process, such as it is, actually makes perfect sense.

In 1998 the Turner Prize-winning elephant dung artist Chris Ofili created an "artwork" called "No Woman No Cry," which is said to be a portrait of Lawrence crying.

In 2003 she was awarded an OBE, and in 2013 she became a life peer, as Baroness Lawrence of Clarendon, taking her peerage name from the place in Jamaica where the Lawrence family chose to bury their son.

While these can be seen as generous gestures aimed at appeasing an alienated community, there has also been a lot of political overspill.

In 1999 the MacPherson Report, the epitome of "prejudice mining," was published. In this report various run-of-the-mill policing mistakes were picked on to support a super-theory that the entire Metropolitan Police Force was "institutionally racist."

The broader implication of this was that other police forces, and in fact other large groups or organizations dominated by White people, especially White males, were also institutionally

racist and should therefore be subjected to various forms of "re-education" and "affirmative action."
The rise and rise of Doreen Lawrence, whose main assets are simply her Blackness and victim status, is thus propelled by the undying need to explain Black inequality in stubbornly egalitarian Britain.
The next step seems to be to put her in a position of political power, with the latest rumours being that the Labour Party wants her to be their candidate for the next London mayoral elections.

The Absent Father

Oddly much less is heard of her husband Neville Lawrence. In 1999 Doreen filed for a divorce, possibly feeling "empowered" by the celebrity status brought to her by her son's death.
Also, Neville doesn't quite fit the desired narrative in the same way that Doreen does. As mentioned in a 2012 profile in **the *Guardian***, he is a quarter Jewish and was actually brought up by his Jewish grandmother.
"He was brought up in Jamaica by his paternal grandmother. She was white and Jewish, and he believed she was his mother. 'My grandmother would come to school and I'd think, why have all the other kids got a black mother and why have I got a white one?' But Jamaica was a tolerant place, he says — nobody asked questions. 'Till the day she died I called her mum."
Because of this heritage, in interviews, such as the one in the *Guardian*, he has a tendency to conflate two separate victim narratives in an unhelpful way, talking about how he was "unfairly" denied jobs in "racist" 1960s Britain, and then switching to the Holocaust.
In the article, when the journalist asks what kept him going in the face of his tragedy, he is quick to mention an old Jewish woman he met at the BBC. It is almost as if the more intellectually dominant and vociferous part of his ancestry is chiming in:
"She was an old Jewish woman and she introduced herself to me and said she had heard about my son's death, and she said she's Esther Burstein and she was in Auschwitz. She said a day or two before the Americans liberated the camp, the Germans started to kill everybody, and she lost all her family in one day, from her mother to her aunt to her little cousins, and the only reason she wasn't dead was because she was underneath a pile of dead people. I said, 'How did you survive?', and she said, 'I kept quiet for 15 years, and for that 15 years it was hell', and it was only when she started talking to people that she started to earn release. She said, 'You've got to talk and let it out. If you don't, you're going to go mad, because it's going to eat you up inside.'"
Such crude linkage to the excesses of Nazism would not necessarily serve the desired political agenda, as few people would be inclined to equate the diffidence of employers or the politically incorrect nature of police canteen banter with the worst excesses of the Third Reich.
Also, any attention on Neville might also remind people that Stephen Lawrence was in fact one eighth Jewish, raising questions about why this particular case, among several other ones in which Blacks were victims, received so much attention. For these reasons, Doreen is a much more suitable figurehead of Black victimhood.
While the prominence given to Doreen Lawrence serves a function for the British establishment, it must be careful not to overplay its hand and start believing its own propaganda. Over-promoting ethnics can often have the opposite effect to the one desired. The Black MP Diane Abbot, who clearly owes her position in the Labour Party to box-ticking affirmative action, is a case in point.
Although Doreen Lawrence is able to speak reasonably well to sympathetic TV hosts on the narrow subject of her own son's death and a few "equality" issues, she has nothing to suggest talents for higher office.
Rather than proving to be a shining example of Black female talent and therefore the "natural equality of the races," any attempt to elevate Lawrence beyond her talents, would have the opposite effect, reminding people that Black inequality has nothing to do with White racism and that Blacks tend to get ahead by playing the victim card. In this sense, the elevation of Baroness Lawrence to Mayor of London is a thing to be devoutly wished for. And why stop there? Prime Minister Lawrence would be even better.
http://www.theoccidentalobserver.net/2014/04/thenecessaryriseoftheblackbaroness/?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+theoccidentalobserver%2Ffeed+%28The+Occidental+Observer%29

****

E. – AFP

Students Banned for Protesting Racist Policies

By John Friend

The systematic war on intellectual and academic freedom, freedom of thought, expression, organization and rational inquiry and debate about complex, controversial issues continues unabated, as students at Northeastern University in Boston recently discovered.

On March 7, the pro-Palestinian student group Students for Justice in Palestine (SJP) was banned by Northeastern University. Administration officials have been cracking down on SJP on the Northeastern University campus for quite some time, placing the group on academic probation last year following its protest of Israeli human rights violations against the Palestinian population living under Zionist occupation.

"Since April 2013, Northeastern University has singled out and punished students based on political associations backing Palestinian freedom and rights," wrote Max Geller, a Northeastern University law student and leading member of the SJP on campus in an opinion piece published by *The Boston Globe*. "Limitations on students' political speech rights are illegal, violate school policy and are inconsistent with upholding diversity, academic freedom and the free exchange of ideas on campus."

The group was officially banned and suspended early last month following a more provocative popular action organized to take place during Israeli Apartheid Week, "a national coordinated week of solidarity with Palestinian people in an effort to raise awareness on college campuses," explained Geller in a March 17 interview with communist news magazine *Revolution*.

"We planned and did a door-to-door flyering campaign where we simulated and mimicked the Israeli practice of giving a very brief notice—four days—before demolishing [Palestinian] homes," Geller said. "According to ICAHD [Israeli Committee Against House Demolitions] such evictions have occurred 27,000 times since the occupation. The mock eviction notice had basic facts based on ICAHD statistics."

According to Geller, who is Jewish, the SJP was suspended as a direct result of the mock eviction notices posted on the doors of student dorms.

"Two students now face disciplinary charges for their participation," wrote Geller in his op-ed. "A new 'PC' or political correctness pervades our campus: Be Palestine Correct—meaning disregard Palestinian rights—or face censorship and punishment. No other political group on campus is subjected to reprisal for exercising similar free speech rights. Conservative and liberal legal rights groups alike are right to be concerned."

Gilad Atzmon, a Jewish-born Israeli dissident and internationally renowned jazz musician, philosopher and writer, is skeptical of the mainstream, often Jewish-led progressive community and their ostensible support for Palestinian rights.

Geller and the SJP at Northeastern University have challenged the status quo, raising some important questions and controversial issues relating to Zionism and the blind, slavish American support for the Jewish state of Israel in the process.

"If you go to a campus anywhere else in the world, the views expressed in this flyer that Palestinians have a right to stay in their homes is not a controversial one," Geller stated in a recent interview. "It's only controversial on American campuses. And the obvious question is why. I think the answer is because of Zionist organizations, whether it be more mainstream ones like Hillel or the Anti-Defamation League or more far right ones like the Zionist Organization of America and Stand With Us—all are united in stifling criticism of Israel. Their attempts are to demonize this point of view so as not to have to debate [it]. It's been a clear tactic, and an effective one. The best way to maintain the status quo in Israel and the U.S. relationship to it is to demonize all people who suggest another path." ★

John Friend is a writer who lives in California. He maintains his own commentary website at www.john-friend.net.

Homosexual, Feminist Groups Oddly Intolerant

By Victor Thorn

At a March 29 National Young Feminist Leadership Conference (NYFLC) in Washington, D.C., hosts bragged about their goal of "inclusivity" and how all women were welcome. That was until a young lady from Campus Reform, a conservative news outlet, began interviewing attendees. Almost immediately, NYFLC's open-arms policy transformed into harsh intolerance as organizers ushered reporters away, saying, "You guys aren't wanted here."

The intolerant left showed their true colors again on April 4 when Brandon Eich, the CEO for Internet company Mozilla, was bullied into resigning from his post by homosexual advocacy groups that opposed a 2008 contribution he made to anti-gay marriage lobbyists.

During an April 9 interview, Mark Crutcher, founder of the pro-life organization Life Dynamics, Inc, told AFP: "The left says they want tolerance, but only if you think like them. Since these people are incapable of defending their positions, they're limiting opposition by trying to squelch free speech. If vicious attacks committed by the godless left were done by conservatives, they'd call for them to be sent to prison or reeducation camps."

Smear tactics waged against those exercising their First Amendment rights have reached alarming proportions. For instance, anyone who does not embrace global warming is compared to holocaust deniers and pro-life supporters are likened to white supremacists.

Gay marriage proponents have been particularly intolerant. Examples include the call for Phil Robertson, the popular star of the show "Duck Dynasty," to be fired because he said men should be more attracted to women. They also forced Johns Hopkins University to cancel a convocation speech by possible presidential candidate Dr. Ben Carson because he believes in traditional marriage. Finally, there was the organized boycott of the Chik-fil-A restaurants due to the owner's pro-Bible stance.

The witch-hunts have become so extreme that they've caused liberals to speak out. TV talk show host Bill Maher recently quipped: "There is a gay mafia. If you cross them, you get whacked." Same-sex marriage advocate Andrew Sullivan complained about the gay movement's "ugly intolerance."

Echoing these views, on April 9 AFP contacted Franklin Lawson, president of North Carolina's Catawba Valley Tea Party.

"As a candidate for county commissioner, I'm astounded by the hypocrisy of these imposters of tolerance," said Lawson. "Special interest groups want to shut down free speech so that the only voice heard is their own. It's Orwellian control speech."

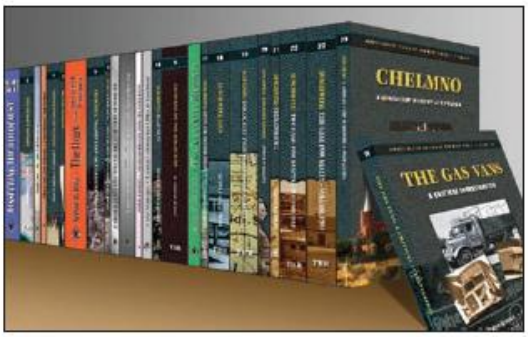
Lawson continued: "A New Mexico photographer was recently sued for refusing to cover a lesbian wedding. Think how horrible it is when we can't even choose who we want as our customers. If the public doesn't push back against this radical left agenda, the tide of insanity will keep rolling over us. How long will it be until more hate crime legislation is enacted that prohibits free speech?" ★

Victor Thorn is a hard-hitting researcher, journalist and the author of many books on 9-11 and the New World Order. These include *9-11 Evil: The Israeli Role in 9-11*, and *New World Order Assassins*. He co-founded the WING TV Network.

EDITORIAL

The New Religion Is a Big, Fat Lie, Says Nationalist

By Willis A. Carto



Pictured above are the scientific volumes that comprise the TBR HOLOCAUST HANDBOOK SERIES published thus far. Each one is authored by experts in their fields of study: chemists, engineers, professional historians etc. Together, this series of books exposes the facts—not the myths—about the "Holocaust."

The new religion is the Nazi "Holocaust," the gassing of 6 million or more Jews before the angelic Allies, led by the Soviet Communist mass murderer, Josef Stalin, the drunk Winston Churchill and the ambitious Franklin D. Roosevelt, who needed to plunge the United States into a needless world war to be elected to a third and fourth term.

If you do not believe the Holocaust Lie, and make known your disbelief, you become an enemy of the powers that run the Western world and its press.

Belief in the so-called "Holocaust" has brought the Zionists vast riches and honors, including billions of dollars in grants from Germany, highly advanced submarines and other war materiel and choice land in Palestine upon which the natin of ISrael sits.

One of the best suppliers of books explaining the truth about the Six Million Lie, is AFP's sister publication, The Barnes Review (TBR), through which numerous faxctual books can be purchased. If interested, write TBR at P.O. Box 15877, Washington, D.C. 20003 or call 2020-547-5586 and leave a message or visit TBR's website at www.barnesreview.com. ★

Willis A. Carto is a longtime national editor and publisher. In 1955, Carto founded Liberty Lobby, the first all-American, pro-middle class lobby group. In 1975 he launched *The Spotlight* newspaper which at one time had 375,000 subscribers. Currently he is the editor and publisher of The Barnes Review Revisionist history magazine. For a free sample issue and brochure, please contact TBR, P.O. Box 15877, Washington, D.C. 20003.

9. Conclusion

AUSTRALIA'S PROPOSED AMENDMENTS TO THE RACIAL DISCRIMINATION ACT IS HOTLY DEBATED IN THE MEDIA BY STAKEHOLDERS BUT REVISIONISTS ARE NOT PERMITTED TO PARTICIPATE – WHY NOT?

With a current population of just under 23.5 million Australia is still the lucky country where no significant slum conditions exist among its highly urbanised citizens.

But there are problems ahead because its only large-scale industrial base is about to be gutted: the antiquated car industry has received the death sentence and from 2017 most of Australia's cars will be imports from South-East Asia.

The White-Australia immigration policy has, since the 1970s, been abandoned and the Keating government then consciously undertook to integrate Australia's economy within the Asian region. During the 1960s there was already the reference to Australasia by futurists who foresaw the Asian century emerging in the 21st Century.

Although from its political beginnings, especially during the 1850s gold rush days the mainly European settlers attempted to retain a Eurocentric world view. A decade ago it was possible to state that 70 per cent of Australians were of Anglo-Saxon-Celtic stock. This retention of the "White Australia" policy up to the 1970s Keating era is now regarded as an officially anachronistic policy that, however, is still the cause of current racial tensions. And so in order to stop the increase in "racist" attacks both verbal and physical, for which pressure groups ensured empirical evidence was available, the Keating Labor government in 1995 enacted Amendments to the Racial Discrimination Act – RDA.

What few Australians then knew was that the foresightful Australian Jewish lobby was behind this agitation, keenly supported by numerous ethnic groups it had suitably wound up to agitate for the purpose of capturing "hate speech".

Unwittingly these ethnic groups accepted the caring and concern about their social welfare as expressed by Jews who did not reveal to them the specific Jewish interest in formulating so-called anti-racist protection laws.

A global crunch in this legal manoeuvring occurred during 1988 when the Jewish world was taken aback by what had happened in a court in Toronto, Canada. Revisionist Ernst Zündel, charged with "spreading false news" had during his second trial submitted as evidence a forensic report that stated for technical reasons no homicidal gassings could have occurred at the Auschwitz concentration camp.

Now, for the first time in a court of law, hard physical proofs offered as evidence in a court of law, as opposed to opinions and inconsequential emotional utterances from survivors, were about to demolish the carefully crafted "Holocaust" narrative in most western democracies. To the rescue came the concepts "racist", "Antisemite" and "Holocaust denial" and quickly these were, through shoddy court trials – where truth was not a defence - enshrined in law as precedent cases within specific racist legislation. From now on physical/forensic evidence, making up a legal defence, would be ruled out on grounds that such evidence "is likely to offend, insult, disparage" the witnesses, etc. A jury still found Zündel guilty of the charge of "spreading false news" but in 1993 the Supreme Court of Canada found this law to be unconstitutional. Canada then embarked upon putting into effect this human rights legislation where truth was no defence, and Australia followed suit in 1995.

The concept of the "harmonious multicultural society" and how to maintain its ideological supremacy had thus gained an underpinning concept that rarely until then had surfaced into the legal dictionary of western democracies – the "Holocaust". This new overarching narrative now aimed to be the unifying factor that held together a multicultural society. Studies in "Holocaust Education" flourished at school and university levels, and in 2013 it became a compulsory subject in all secondary schools in the state of New South Wales.

Under the RDA, specifically Section 18C, it became an offence to state or publish material that is "likely to offend or insult". There is no defence against it except if the act is done "in good faith" or for some artistic or research purpose. This exclusive "tertiary studies" protection clause made it impossible to claim the work done by Adelaide Institute associates was of "academic standard" because no university in the "free and democratic west" had a Revisionist viewpoint. In fact, the 1993 MA thesis, granted by Canterbury University, Christchurch, New Zealand, to J S Hayward, became – after a five-year embargo on it was lifted – contentious. In 1998 I had submitted it as my defence to the Human Rights and Equal Opportunity Commission-HREOC hearing before whom I stood accused of upsetting Jews with my Revisionist work.

The whole Act is in effect a watered-down version of the defamation law, except that in defamation if an imputation is true, then that is a defence.

In 1994 media voices that pointed out the chilling effect of this law on free expression were ignored. Once enacted the Jewish lobby immediately got to work and focused on Mrs Olga Scully and Dr Fredrick Töben whose public work, among other things, dealt with matters "Holocaust". Their decade-long journey through the courts led to their inevitable "guilty" verdict, and to their bankruptcy because court costs were awarded against them. One Jewish leader stated quite openly that his aim had been "to stop them from functioning".

*

***The sacred principle of free speech* – Prime Minister Tony Abbott 28 September 2011, then Leader of the Opposition**

*

It was only in 2009 when journalist Andrew Bolt was caught up in the RDA that the significance of this free-expression stifling Section 18C was realized. Bolt had written an allegedly inciting column about individuals who, on first appearance, were Europeans but then claimed to be part Aboriginal because there was a benefit to be had had in claiming Aboriginal descent. Justice Mordecai Bromberg finding Andrew Bolt guilty on 28 September 2011shocked journalists who had not worried about so-called Holocaust deniers from being sentenced to prison. Before the Bolt judgment most media commentary focused on the assumed fact that Section 18C was doing a good job in silencing "Holocaust deniers" who did not really deserve free expression because they were also, by implication, "anti-Semitic" and a "racist".

Then, while still in opposition, Tony Abbott talked about 'the sacred principle of free speech', saying: **'Free speech means the right of people to say what you don't like, not just the right of people to say what you do like'.**

The Bolt case then enabled the then Opposition Liberal party to canvas a repeal of Section 18C, if it won the election, which it did. By this time the media called this RDA matter the "Bolt Law", with the Holocaust implications rarely being mentioned.

The whole Section 18C affair was run on a free expression issue, which most media outlets supported.

Only after the public Senate enquiry into this matter in January 2013 did some Jewish media commentators express concern that if the changes were made to Section 18C, then Holocaust deniers such as Fredrick Töben could continue "to express their vile views". But there were also Jewish voices who claimed that Revisionists should be free to express their "toxic sludge".

So, what in 1994 was public knowledge only among the informed, i.e. that Jewish interests were driving the proposed Amendments to the RDA with that specific elimination of a defence in legally disputed cases, had by 2014 again become public knowledge.

In Summary:

Section 18C was drafted during the 1990s by, among others, Mark Leibler's Jewish lobby specifically to introduce into Australia a legal constraint on open discussion of matters Holocaust-Shoah. It is shameful that HREOC commissioners and Federal Court judges went along with this and applied Section 18C because this section aligns us with what had already been enacted in European countries and in Canada where "hurt feelings" are protected on "racial" grounds!

What the Abbott government is trying to do is to get back to some basic British Common Law principles where a right-of-reply/Natural Justice become active again. Anyone who has hurt feelings to complain about may then take legal action under defamation law.

Also, Australia is trying to get closer to the US First Amendment where expression is free - unless the act threatens physical harm to property or person, which is referred to as committing "moral turpitude".

Of course, specific Jewish groups in the USA are trying to get rid of the First Amendment by introducing the concept of "Hate Speech". This splitting of free expression into free speech and hate speech is a typical Talmudic-Marxist dialectic trick that we must all oppose because free expression is the hallmark of our still functioning democracy.

Fredrick Töben hopes for the best but expects the worst for free expression.

AFTERWORD

The Internet age is reminiscent of the Guttenberg printing-press age, which liberated individuals from unquestionable dogmatic pronouncements. One of these was the *Donation of Constantine* that allegedly bequeathed the Roman Empire to Christendom. That this document was a forgery was discovered over a period of time, which could not have been achieved without the invention of the printing press which considerably sped up information dissemination. The accompanying personal liberation was accompanied by a tightening of laws that suppressed the free flow of information – and the witch trials became the order of the day where individuals holding dissenting views were burnt at the stake or drowned in a river. So, too, it is with the Internet, and the following example of its use in a military subversive exercise is instructive for those who seek to keep the lid on matters Holocaust-Shoah. The most recent mass extermination of individuals occurred when the Jewish-Bolshevik Revolution tore the heart out of Christian Russia. There are attempt to counter this deepest expression of *Talmudic* hatred against the non-Jewish world by legally protecting the Holocaust-Shoah's narrative. The Internet may yet prove to be the liberation tool needed as much as the printing press was in liberating individuals from officially sanctioned lies.

The following items sheds light on a process whereby Internet hackers are "illegally" sourcing official government sites and trolling through its most inner-most and cherished political secrets.

****

THE MIDDLE EAST MEDIA RESEARCH INSTITUTE • MEMRI ميمري

Special Dispatch No 5712, April 16, 2014

Lebanese TV Report On Syrian Electronic Army's Hacking Of Pentagon, Australian Intelligence Services And Stealing Top Secret Australian Documents; SEA Member In Interview: 'We Have Thousands Of Members'

The Lebanese Al-Jadid/New TV channel recently aired a report on the Syrian Electronic Army, which wages electronic warfare in support of the Syrian regime. A member of the group claims that it hacked the websites of the Qatar foreign ministry and Emir's office and of the Turkish foreign ministry and presidency.

Following are excerpts from the report which was posted on the Internet on March 13, 2014:

Reporter: "A battle of the minds is taking place on the ground and in the electronic world. The Internet is its battlefield, and secret intelligence files are its target. Its soldiers are clandestine, unseen by the naked eye and unnoticed by man. Their goal is to infiltrate the electronic system of the enemy, and sometimes that of friends, in order to uncover what they are secretly planning.

"China has realized the value of technology and its ability to inflict grave losses upon the enemy – losses that no ground force is capable of inflicting. Therefore, just like the Israeli enemy and India, China gathered all the creative and professional hackers, and gave them the best equipment in the world, in order to make use of their experience and to establish an electronic force, capable of harming any country, without needing to resort to a confrontation on the ground.

"Thus, the Syrian Electronic Army is considered to be the second most powerful electronic army in the world. It recently carried out two attacks against the world's strongest cyber-security systems: the first against the database of the U.S. Pentagon, and the second against the headquarters of the Australian intelligence services, in which it stole top secret Australian documents.

"The Syrian Electronic Army is the most active army in the Arab virtual world. It was this army that hacked the AP news agency, and planted a news report about two explosions in the White House, in which President Obama was injured. This news item shocked the world and had an impact on stock

exchanges all over the world, until it transpired that the Syrian Electronic Army was behind it.
"Al-Jadid TV has succeeded in contacting a member of this army."
Distorted voice of member of SEA: "Our role in the Syrian Arab Army is to hack into emails and accounts of the opposition, and to obtain important information, as well as to hack communication between opposition leaders and the U.S. We gave the information to the Syrian Arab Army so that it could accomplish…"
Interviewer: "Do you steal information from them, or do you plant false information?"
Member of SEA: "That depends upon the objective. We hacked into the Qatari foreign ministry, the Emir's office…"
Interviewer: "When was this?"
Member of SEA: "About a year ago, but it wasn't publicized. There are documents that were publicized – documents of the Saudi Arabian Military Industries Corporation, and the Turkish file...The website of the Turkish foreign ministry and presidency were also hacked, and so were the websites of the defense ministry and of the air force intelligence."
Interviewer: "Do you have any proof of that?"
Member of SEA: "...a nondisclosure agreement between the Saudi Military Industries Corporation, and the American ATK company. This proves what I'm saying."
Interviewer: "How long does such a thing take you? Do you have time to do this?"
Member of SEA: "Of course we have time. It depends on the difficulty of the target. Some targets take a day or two, while others take a few hours. It depends how difficult it is to infiltrate the target. It can take a week or two."
Interviewer: "The key is to decipher the enemy's code?"
Member of SEA: "We have to hack the server and gain information from it."
Interviewer: "How many are you? A hundred? A thousand?"
Member of SEA: "We have thousands of members, but there are only 18 administrative officers."
Interviewer: "Only eight [*sic*].
"In light of the war that others have waged on the land of Syria, the Syrian Electronic Army wants to transfer the electronic war to the lands of others.
"This is Rachel Karam, reporting for Al-Jadid TV." […]
http://www.memri.org/report/en/0/0/0/0/0/0/7938.htm

****

Liberal professor calls for genocide, says white males should commit suicide
November 25, 2013

On his last day of teaching at the Massachusetts College of Art and Design, Professor Noel Ignatiev reportedly received a standing ovation when he told his class that white males are a cancer and they should kill themselves, Jim Hoft reported at the Gateway Pundit Monday, citing an interview posted at the Diversity Report.
"If you are a white male, you don't deserve to live. You are a cancer, you're a disease, white males have never contributed anything positive to the world! They only murder, exploit and oppress non-whites! At least a white woman can have sex with a black man and make a brown baby but what can a white male do? He's good for nothing. Slavery, genocides against aboriginal peoples and massive land confiscation, the inquisition, the holocaust, white males are all to blame! You maintain your white male privilege only by oppressing, discriminating against and enslaving others," he said, according to Ivan Fernando.
Fernando, who wrote the piece at the Diversity Report, called Ignatiev's comments "sound and reasonable" words that "resonate with every enlightened and progressive mind."
"They are indisputable and no one can debate them," he added, calling those who object to Ignatiev's outrageous call "far-right extremists."
Fernando said he spoke to Ignatiev about his statement in a phone interview. According to Fernando's account, Ignatiev doubled down on his comments, attributing criticism to "white supremacist attitudes. The goal of destroying the white race is simply so desirable, it boggles the mind trying to understand how anyone could possibly object to it," he said. He went on to explain that those who object to his call for genocide "are themselves white supremacists. They wish to go on oppressing and exploiting other races and maintaining their own privileged positions of power. That is the conscious and sometimes subconscious motivation of all of my critics. That is why they object to destroying the cancer of humanity known as the white race. That ugly disease, which dares to call itself a people and a culture," he explained.
When asked if only white males need to be exterminated, Ignatiev said that the entire race needs to be wiped off the face of the earth.
"Obviously, all whites need to be destroyed, but why not start with white males? They are behind most of history's greatest atrocities," he said, while acknowledging in rather colorful terms that black men like to have sex with white women.
"Eventually white women can breed out, but my feeling is that if you are a white male, you should kill yourself now. If you are a thoughtful person, with a social consciousness who considers himself white, you will consider suicide. It's the right thing to do," he added.
In the interview, he read an email he supposedly received from someone who took offense at his suggestion and called it "absurd and irrational." Fernando apparently agreed with Ignatiev's assessment.
Ignatiev also slammed Christianity, Jesus Christ and the celebration of Christmas. "Christmas and white culture disgust me," he said. "I hate this time of year so much. I hate going outside and seeing Christmas trees or Christmas lights. They should be banned! A Christmas tree is just one notch above a burning cross in my opinion!"
Not only is Ignatiev white, he has a long history of controversial remarks. The Washington Times reported in 2002 that Ignatiev, a fellow at Harvard's W.E.B. DuBois Institute and a man described as a "one-time steelworker and Marxist activist," expressed a desire to abolish the white race, echoing the statements he allegedly made in his class.
Ignatiev, who did not appear willing to lead by example, told Fernando that reaction to his screed has been largely positive.
"Perhaps we are finally coming to an awareness in this country that the cancer known as the white race must be obliterated. Especially in the form of white males," he said.
He then went into full "Hitler" mode, suggesting death camps for white people. "Eventually, I would like to put white males in concentration camps and work them to death just like they've done to everyone else. When they are all dead we can throw a party and dance around their corpses," he said. "I certainly hope so," Fernando said in agreement. "I hope you are right. If so it is the dawning of a new era of peace and progress."
In February 2011, we first opined that liberalism is an ideology of hate and rage. Ignatiev, and those who support his call for genocide, has once again proven our theory that liberalism has become an ideology of genocidal hate and rage.
Neither Ignatiev nor the Diversity Report has responded to our request for comments.
Update: Professor Ignatiev responded after this article was published. He did not deny the quote attributed to him, saying only that he had received a number of emails about the same topic in the last 48 hours. The Diversity Report still has not responded to our inquiries.
http://www.examiner.com/article/liberal-professor-calls-for-genocide-says-white-males-should-commit-suicide